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SUBJECT: INDONESIA ANTI-TRAFFICKING IN PERSONS (TIP)
REPORT, MARCH 2005 TO MARCH 2006

REF: A. STATE 3836 - INSTRUCTIONS

[1](#)B. 05 JAKARTA 12001 - 2005 CHILD LABOR REPORT
[1](#)C. 05 JAKARTA 2979 - 2005 INDONESIA TIP REPORT

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SUMMARY

[1](#)1. (SBU) Indonesia remained a major sending country for international trafficking in persons (TIP) and faced a very significant internal trafficking problem. Indonesia was also a receiving country for trafficked prostitutes, though their numbers were very small relative to Indonesian victims. The Government of Indonesia (GOI) recognized trafficking as a crime and a serious national issue, and took steps to combat trafficking, but as yet Indonesia has not met minimal TIP standards under U.S. law.

[1](#)2. (SBU) Indonesia achieved some progress in combating trafficking in specific areas over the past year. After a delay that affected almost all pending legislation, the House of Representatives (DPR) in January 2006 began formal

hearings on a comprehensive anti-trafficking bill, now targeted for passage in mid-2006. President Yudhoyono publicly condemned trafficking and called for the bill's quick passage. Significant law enforcement efforts continued apace, with police conducting 110 known arrests/investigations in 2005 and prosecutors reportedly bringing 37 traffickers to court. Internal trafficking became the target of more law enforcement actions, a welcomed development. Police undertook investigations in cooperation with Japan and Malaysia; cooperated fully with the U.S. on the return of wanted American pedophiles; freed trafficked migrant workers from holding centers; and rescued hundreds of other women and child victims.

¶3. (SBU) The GOI took effective steps to prevent trafficking out of areas devastated by the December 2004 earthquake and tsunami, with no reports of significant trafficking from Aceh

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relative to other areas. The GOI launched the first-ever televised public service announcements to raise awareness of trafficking, and engaged in other limited public education campaigns. The GOI sheltered victims abroad, repatriated victims and expanded victim services in modest ways. Local governments and NGOs provided some in-country shelters. Police, with U.S. assistance, established two medical recovery centers to treat victims.

¶4. (SBU) Indonesia made limited or no headway on other difficult anti-trafficking steps. The GOI provided no information on attempts to curb the illegal involvement of individual security force members and corrupt officials in prostitution linked to trafficking. Law enforcement data collection on anti-trafficking activities remained weak, particularly within the Attorney General's Office. Law enforcement officials and civil society at times failed to recognize trafficking victims, despite generally rising

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public awareness. The GOI launched a major anti-corruption campaign, but it had yet to show significant impact on rampant corruption that facilitated trafficking. Civil society and GOI officials continued to view conditions of debt bondage as acceptable within the migrant worker system. Little information emerged on national and local government budgets dedicated to anti-trafficking, and funding appeared very limited and ad hoc. Victim services, while expanding somewhat, remained inadequate given the extent of the crime.

¶5. (SBU) Within the context of the country's emerging democracy, Indonesia's anti-trafficking commitment faced the same serious constraints affecting other issues of national importance: endemic corruption, the weakness of government structures and law enforcement at all levels, limited public budgets, poverty, a weak public education system, and competing priorities from other urgent issues. Nevertheless, Indonesia made gradual progress in the fight against trafficking in persons. Indonesia continued to welcome and cooperate with international anti-trafficking assistance, and anti-trafficking partnership with the U.S. Mission and U.S. grantees remained strong. End Summary.

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¶6. (U) The U.S. Mission in Indonesia contacted and received information from many GOI sources specifically for the preparation of this report, including: the People's Welfare Coordinating Ministry, the Women's Empowerment Ministry (hereinafter the Women's Ministry), the National Police (POLRI), the Attorney General's Office (AGO), the Manpower and Transmigration Ministry (the Manpower Ministry), and a number of local government offices, including in East Java and North Sumatra. Particularly valuable information came from international and domestic NGOs, including the

International Catholic Migration Commission (ICMC), the American Center for International Labor Solidarity (ACILS), Save the Children-USA, and The Asia Foundation. Mission research included input from international organizations such as the International Labor Organization (ILO), UNICEF, and the International Organization for Migration (IOM). A breakdown of Mission hours spent in preparation of the report will follow separately.

¶7. (U) The report text follows the general outline of themes and questions provided in ref A instructions. Each section begins with a capsule "update" that briefly summarizes the most important new information included in the text.

¶8. (U) Through mid-June 2006, the Jakarta Mission point of contact on the TIP issue is Political Officer Mark Clark, tel. (62) 21-3435-9146, fax (62) 21-3435-9116.

¶9. (SBU) Report text:

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¶I. OVERVIEW OF INDONESIA'S ACTIVITIES TO
ELIMINATE TRAFFICKING IN PERSONS

UPDATE

The past year did not witness significant change in overall trafficking patterns in Indonesia. New information became available on the extent of internal trafficking for prostitution to remote Papua, with an NGO estimating some 3,000 victims in the sex trade in six major areas. Media reporting indicated that Indonesian women, under the guise of "cultural performers," constituted an important number of trafficking victims in Japan. In the aftermath of the December 2004 destructive earthquake and tsunami, anti-trafficking organizations found little evidence of significant trafficking of women and children from Aceh, particularly compared to the extent of trafficking elsewhere in Indonesia. Human Rights Watch provided more descriptive accounts of abuse and trafficking-like conditions facing child domestic workers. Foreign prostitutes in Indonesia remain relatively very small in number, with continued reports of Chinese, Russian and Central Asian women engaged in the sex trade in Jakarta.

President Yudhoyono spoke out forcefully against trafficking, called for quick passage of the anti-trafficking bill before the legislature, and condemned trafficking in a joint statement signed with Malaysian Prime Minister Abdullah. After a lengthy delay, which affected almost all pending legislation, the House of Representatives began formal deliberations on the anti-trafficking bill and targeted passage in mid-2006. Some officials stated that GOI anti-trafficking budgets expanded, but provided no details. The GOI's severe funding constraints, pre-occupation with post-tsunami reconstruction, and deep-rooted corruption all adversely affected Indonesia's anti-trafficking efforts.

INDONESIA FACES SIGNIFICANT TRAFFICKING CRIMES

Indonesia, a developing country and emerging democracy with the world's fourth largest population, is a place of origin for a significant number of internationally trafficked women and children, and to a lesser extent men. Indonesia is also a transit and destination country for international trafficking, although foreign victims are very small in number relative to Indonesian victims. Very significant incidents of trafficking occur within Indonesia's borders, including for prostitution. Different regions of the country are identifiable as sending, transit and/or receiving areas for internal as well as international trafficking. There

were no credible reports during this period of trafficking in territory outside of GOI control, namely in the very limited areas held by separatist rebels in Aceh province prior to the

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August 2005 peace accord.

RELIABLE STATISTICS UNAVAILABLE

Reliable statistics or estimates of the overall number of victims remain unavailable, in large part because of the illegal and informal nature of trafficking, the lack of systematic research, and frequent definitional problems. The sources available for information on the prevalence of TIP include GOI agencies (particularly the Women's Ministry and the People's Welfare Coordinating Ministry), domestic and international NGOs and international organizations, including UNICEF, IOM and ILO. Most organizations' estimates rely upon a combination of extrapolation, field experience, press reports and anecdotal evidence. Some of these organizations will not provide estimates due to the uncertainty of their information. Definitional problems, often including a lack of distinction between human trafficking, lesser abuses of workers, and illegal migration make some estimates very unreliable.

Crude estimates of the prevalence of TIP vary tremendously, but most indicate the number of victims in the upper tens of thousands or higher. In past years, GOI documents referenced various estimates of the total number of victims, usually in the hundreds of thousands, without providing details for these figures. The GOI's 2004-2005 TIP report did not offer an estimate of victims. GOI officials charged with the issue state that they do not have reliable, overall estimates of the number of victims.

Other non-governmental estimates of the overall number of TIP victims exist, but do not have a strong basis in systematic research. Migrant worker advocacy groups occasionally cited very high and seemingly inaccurate numbers. To the extent that such organizations do not differentiate between trafficking and lesser abuses of migrant workers, their figures represent gross overestimates.

INTERNAL TRAFFICKING MOST SIGNIFICANT

While reliable figures do not exist, many anti-trafficking organizations believe the number of victims of internal trafficking exceeds the number of Indonesians trafficked overseas. The U.S. Mission's observations support this conclusion.

BOUNDARY ESTIMATES

Some groups have developed boundary estimates for groups vulnerable to trafficking. ICMC and ACILS, in their 2003 book entitled "Trafficking of Women and Children in Indonesia," identified three categories that generate the greatest number of TIP victims: female migrant workers,

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prostitutes and child domestic workers. (There are other categories that also generate TIP victims, but not are included in these ICMC/ACILS boundary estimates.) ICMC/ACILS estimated that between 2.4 to 3.7 million women and children worked in these sectors. Within these boundaries, the total number of children ranges from 254,000 to 422,000. ICMC/ACILS point out that these are not estimates of the number of victims (for example, most female migrant workers are not trafficked), but they do provide an indication of the potential impact of trafficking on a large number of women

and children.

TABLE 1: WOMEN AND CHILDREN IN SECTORS
VULNERABLE TO TRAFFICKING

SECTOR	Women	Children
In-country Sex Workers	130k - 240k	39k - 72k
Female Migrant Workers	1.4 - 2.1 mil.	n/a
In-country domestic workers	860k - 1.4 mil.	215k - 350k
	2.4 - 3.7 mil.	254k - 422k

SOURCE: ICMC/ACILS, 2003

DATA ON PROSTITUTION

Prostitution constitutes a major source of concern for TIP in Indonesia due to the number of women and children involved; the clandestine, abusive and often forced nature of this work; the prevalence of organized crime; and the frequent awareness and/or complicity of officials and security forces (police and military) in prostitution. The boundary estimates for domestic sex workers are somewhat more precise than for other areas. ICMC/ACILS in 2003 estimated between 130,000 to 240,000 in-country prostitutes. A number of studies have consistently found that on average children make up some 25 to 30 percent of persons working as prostitutes. Using 30 percent, ICMC/ACILS arrives at boundary estimates of some 39,000 to 72,000 child prostitutes. This range also corresponds generally with a UNICEF estimate. Underage prostitutes (those under 18 years of age) are by definition TIP victims under the Trafficking Victims Protection Act of 2000.

The ILO generated data on the incidence of the worst forms of child labor, including child trafficking for prostitution, through a series of "rapid assessments" conducted in 2003. The ILO carried out the assessments in limited geographic areas of concern for specific types of child labor. For child trafficking into prostitution, the ILO assessment

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focused on Java, home to 60 percent of Indonesia's population. The ILO field research generated "best guess" estimates for child prostitutes in these provinces, noted in Table 2.

TABLE 2: ESTIMATES OF TOTAL NUMBER OF PROSTITUTES
AND CHILD PROSTITUTES ON JAVA

LOCATION	TOTAL PROSTITUTES	TOTAL UNDERAGE	PERCENT UNDERAGE
West Java:	31,380	9,000	29
Jakarta:	28,620	5,100	18
East Java:	14,279	4,081	29
Central Java:	8,495	3,177	37
Yogyakarta	1,106	194	18
	83,880	21,552	26

SOURCE: ILO RAPID ASSESSMENTS, 2003

NEW STUDY ON PAPUA

In remote Papua, a 2005 ICMC field study estimated that there

were over 3,000 internally trafficked women and girls in the sex trade, including some 1,000 child prostitutes, in the area's seven largest population centers. Almost all child street prostitutes were of Papuan origin. In contrast, most victims in karaoke bars and brothels originated from Indonesian areas outside Papua, with the greatest number coming from North Sulawesi. The victims normally arrived by ship, often with false promises of employment. Internal migrant workers generated much of the demand for prostitution. Geographic isolation, economic underdevelopment, and lack of civil society concern increased the severity of trafficking conditions in Papua.

RIAU ISLANDS AND SEX TRAFFICKING

Locations in Riau Islands Province that are in close proximity to Singapore, including Batam, Bintan, and Karimun, drew continued domestic and international attention as major destination points for sex trafficking, as well as transit areas for trafficking into Malaysia in particular. A 2003 report by the Indonesian NGO Partnership in Health and Humanity Foundation (YMKK) estimated 6,138 prostitutes held in debt bondage in 58 separate "entertainment" establishments and seven extensive brothel areas in Batam. With roughly 30 percent of prostitutes under the age of 18, YMKK estimated approximately 2,000 child prostitutes on Batam. According to Indonesian media, NGOs, and ILO research, Malaysians and Singaporeans constitute the largest number of sex tourists in Batam and the surrounding areas like Balai Karimun and

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Tanjung Pinang. The area's sex industry is also heavily dependent on Indonesian clients, drawn in part from the population of hundreds of thousands of migrant workers in Batam. ILO research described Tanjung Balai Karimun, near Batam, as operating a "prostitution economy."

INDONESIAN VICTIMS IN MALAYSIA

Malaysia is commonly identified as the country receiving the greatest number of Indonesian trafficking victims. Past NGO and GOI estimates of Indonesian prostitutes (whether trafficked or not) and child prostitutes in Malaysia have ranged in the thousands, but such estimates do not have a strong basis in substantive research. Officials at the Women's Ministry reported that during 2004 the GOI repatriated from Malaysia 1,047 allegedly trafficked prostitutes. The officials did not provide further details, and might have categorized all returned prostitutes as trafficking victims.

IOM recorded 470 Indonesian trafficking victims, including 110 children, repatriated from Malaysia from March 2005 to February 2006. Of these, 81 were trafficked into prostitution, representing 62 adults and 19 children. Domestic workers constituted the largest number of victims (267) repatriated with IOM assistance.

The ILO, IOM, NGOs and Indonesian diplomats in Malaysia have noted reports of illegal Indonesian migrant workers trafficked to isolated plantations and plywood factories in Malaysia. It was not clear in all instances whether such reports met the definition of trafficking or represented other types of labor abuse. IOM repatriated 53 reportedly trafficked plantation workers during the period March 2005 to February 2006.

"CULTURAL PERFORMERS" IN JAPAN

The GOI, police and local press reports documented the trafficking of young Indonesian women to Japan under the guise of "cultural performers," and suggested that such trafficking victims numbered at least in the hundreds. In

2003, the Indonesian Embassy in Tokyo reportedly acknowledged knowing of 235 female entertainment workers in Japan. International media reported that in 2005 Japanese authorities rescued 44 Indonesian women trafficked as "sex slaves" to Japan, with Indonesians representing for the first time the largest group of foreign victims rescued from the sex trade there. In 2005, police arrested two persons for trafficking dozens of "cultural performers" into prostitution in Japan.

TSUNAMI AFTERMATH

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The devastating earthquake and tsunami that struck Aceh and limited parts of North Sumatra province in December 2004 raised immediate concerns over women and children left vulnerable to trafficking. A subsequent major earthquake that hit Nias Island in March 2005 raised similar concerns. In a November 2005 report, UNICEF concluded that there had been no substantiated cases of child trafficking in tsunami-stricken areas and that there had been no large-scale

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organized trafficking of children separated or orphaned by the tsunami. Local media reported an unsuccessful attempt to traffic two teenaged girls from Aceh to Malaysia; possible trafficking of some Acehnese women also to Malaysia; and one case of an Acehnese child allegedly trafficked to Batam. In June 2005, police arrested several Indonesian NGO workers for allegedly trafficking 15 children from Nias to Jakarta, though details remained unclear. IOM assisted the Nias cases, and also reported helping with 7 trafficking victims from Aceh. U.S. Embassy partners concluded that, despite the tsunami's impact, there was little evidence of significant

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trafficking of Acehnese, while the extent of trafficking crimes appeared far greater in other areas of the country. The GOI's quick and firm response to stop the unauthorized movement of children out of Aceh contributed to the prevention of trafficking from tsunami-affected areas.

MIGRANT WORKERS

ICMC/ACILS note that the category of overseas or migrant labor, which according to their research generates large numbers of TIP victims, encompasses a range of sectors. Female Indonesian migrant laborers tend to work as domestic helpers, as entertainers, in the service industry, in factories and on plantations. Males tend to find work overseas in construction, factories and plantations, and as drivers. The large majority of Indonesian workers overseas are not trafficking victims, but they are vulnerable to trafficking and lesser abuses at various stages -- during their recruitment, pre-departure, placement and return. The migrant worker recruiting system tolerates and institutionalizes forms of debt bondage. The media tend to describe Indonesian women as among the most abused of all Asian migrant workers due in part to their lack of education and poor English language skills. Such articles commonly cite examples of abuse in Malaysia, Saudi Arabia, Singapore, and Hong Kong.

CHILD DOMESTICS

Child domestic workers, frequently found in many middle- to upper-income Indonesian households, may number from 215,000 to 350,000 in the under-15 age bracket, according to ICMC/ACILS. ILO data from a limited 2002-2003 survey indicated that some 688,000 children under age 18 may be

employed as child domestic workers. Employers may prefer child domestics over adults because children commonly receive

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lower wages, and can be more easily managed and controlled. An unknown number of domestics work in trafficking or trafficking-like conditions. For example, they may receive little or no wages, face restricted freedom of movement, be subject to physical and psychological abuse and sexual assault, and have no means to remove themselves from such situations. A 2005 Human Rights Watch report, "Always on Call," provided accounts of gross abuse of child domestic workers in Indonesia.

STREET CHILDREN

Street children represent another potential source of trafficking victims. In 2003, the Social Affairs Ministry estimated there were some 50,000 street children in Indonesia, while NGO estimates place the number at 120,000 or higher. ICMC/ACILS note that although most street children are not trafficked into their situation, they are very vulnerable to traffickers. ILO studies in 2001 and 2004 documented children trafficked for the purpose of organized street begging.

BRIDE PURCHASE PHENOMENON

The GOI, including the police, and NGOs like LBH-APIK and ICMC/ACILS have documented the selling of brides, including some underage, in the Singkawang District of West Kalimantan.

This area is the focal point for the bride purchase phenomenon due to the existence of a large, poor ethnic Chinese community. Most buyers are from Taiwan and Hong Kong and seek Chinese-speaking women. Anecdotal evidence and Indonesian officials who have visited Taiwan suggest that many brides become spouses and part of families in Taiwan, although some are trafficked for prostitution, forced domestic work, or other slavery-like practices.

In 2004, the Taiwan police received over 170 reports of abuse from Indonesian women living in Taiwan, according to Indonesian police sources. Beginning in 2004, Indonesian police increased their interactions with counterparts in Taiwan. In August 2005, Indonesian and Taiwanese officials held a seminar on protections for Indonesian spouses in Taiwan, and reported that there were 10,115 Indonesian citizen spouses living in Taiwan, roughly 11 percent of all foreign-born spouses.

OTHER FORMS

Organizations working on TIP recognized additional categories that presumably generate trafficking victims. In most cases, even less information is available on the prevalence of trafficking in these sectors. One well-documented category that appears to meet the TIP definition is the recruitment of boys to work on offshore fishing platforms (jermals),

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employment that exposes these children to many serious hazards and isolation for months at a time. The incidence of boys on fishing platforms off the coast of North Sumatra has decreased dramatically over recent years. An ILO field study in June 2003 of 100 known platforms uncovered only 15 children. More recent ILO studies have focused on children trafficked aboard fishing vessels. The NGO Terre des Hommes documented the phenomenon of trafficking in babies, as distinct from illegal adoptions. The plantation sector and narcotics trafficking may generate an unknown number of trafficking victims.

VULNERABLE GROUPS

Women and children are most likely to fall victim to trafficking in Indonesia. A number of factors that contribute to women's vulnerability, including: poverty, lower education levels, cultural expectations, unequal status (relative powerlessness) in the family and society (particularly in lower income groups), limited economic opportunities, and expectations of supporting children and families. Girls who have married and divorced at a young age appear particularly vulnerable. Age and cultural traditions that emphasize the authority of older persons compound children's vulnerability. The frequent complicity of parents and relatives in the trafficking of children reflects a lack of respect for children's rights within some family settings, as well as economic pressures.

Traffickers victimize persons from many different ethnic groups. Many persons trafficked originate from densely-populated, low income areas of Java, reflecting the larger pool of potential victims on this island that features some 60 percent of Indonesia's total population and contributes the majority of the country's migrant labor. No accurate statistics are available to judge, however, if the prevalence of TIP (as a percent of the population) is greater on Java than in other regions.

The Women's Ministry conducted a study in 2003 of sending areas in West Java that supplied women and girls for prostitution and sex trafficking. The study concluded that a strong correlation exists between poverty and trafficking victims at the district level. Other studies have de-emphasized poverty as the key factor, pointing to the existence of established trafficking networks that lead to greater recruitment of victims in some areas compared to neighboring communities with the same economic profile.

GEOGRAPHIC PATTERNS

Domestic and international groups combating TIP, as well as the GOI, identified provinces and districts within provinces that are primarily sending areas. The major sending

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provinces include: Central Java, East Java, West Java, North Sumatra, North Sulawesi, Lampung, West Nusa Tenggara (NTB), and West Kalimantan.

Traffickers send victims to domestic and overseas locations. NGOs and the GOI identify the following provinces as major domestic receiving areas: Bali, East Java (Surabaya), East Kalimantan, Jakarta, Papua, and Riau Islands (near Singapore).

Certain provinces stood out as important transit areas for trafficking victims, including: Bali, Jakarta, East Java, Riau Islands, North Sumatra, West Kalimantan and East Kalimantan.

In terms of overseas receiving areas, traffickers send Indonesian victims to many countries. Most GOI, NGO and press reports concluded that the greatest numbers of Indonesian victims overseas were found in Malaysia and Saudi Arabia, respectively, mirroring overall migrant worker flows to these countries. Other noted destinations included Kuwait, United Arab Emirates, Hong Kong, Taiwan, Japan, South Korea, and Singapore. Unlike in some recent years, there were no new reports of trafficking to Australia.

GOI agencies and NGOs have documented distinct patterns and routes of trafficking from and to different locations. For example, North Sulawesi is known as an area that sends trafficked women as prostitutes to isolated Papua. West

Kalimantan is the focal point for the bride purchase phenomenon, due to the existence of a large, poor ethnic Chinese community there and the fact that most buyers are from Taiwan and Hong Kong and seek Chinese-speaking women. Certain villages in Indramayu, West Java, constitute a well-documented sending area for young girls and women, particularly into the sex trade. During a February 2003 U.S. Embassy visit, Indramayu officials stated that up to two-thirds of girls and young women in certain villages had migrated to work in large cities or overseas, as prostitutes in many cases, leading the local government to allocate anti-trafficking funds. Girls from Indramayu represent the largest group of prostitutes operating in some prostitution areas of Jakarta.

FOREIGN VICTIMS IN INDONESIA

The number of persons trafficked into Indonesia from abroad is relatively small, possibly in the hundreds, far fewer than the number of Indonesian victims inside and outside the country. Press and GOI accounts of foreign prostitutes working in Jakarta and Batam, Riau Islands Province, provided indications that Indonesia is a destination point for trafficked women, though information remained very superficial. Most foreign prostitutes in Indonesia originated from mainland China. According to NGO information, some 150 foreign prostitutes operated in Batam, coming from China and Thailand, along with a small number of

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Europeans. The media, NGOs, and the ILO reported smaller numbers of women from Thailand, Taiwan, Hong Kong, Uzbekistan, the Netherlands, Poland, Russia, Venezuela, Spain and Ukraine. In all such reports, the foreign women acted as prostitutes. Often times, the presence of foreign prostitutes became public knowledge following police raids covered by the media. During 2004, raids in Jakarta led to the arrest and deportation of prostitutes from China and Uzbekistan. In August 2005, police and immigration officials in Jakarta raided nightclubs, saunas and beauty parlors, rounding up and deporting 68 foreign prostitutes, 63 from China and 5 total from Russia and Uzbekistan.

In 2004 ACILS and other non-governmental sources reported Burmese seafarers trafficked aboard fishing vessels from Thailand operating in Indonesian waters. Over a period of years, some of these fishermen jumped ship in the remote eastern Indonesian port of Tual. In 2006, one NGO estimated that there were some 100 such Burmese fishermen living in undocumented status near Tual.

TRAFFICKING CONDITIONS, METHODS

For internal trafficking into the sex trade, traffickers used debt bondage, violence and threats of violence, drug addiction, and withholding of documents to keep women and children in prostitution.

Traffickers employ a variety of means to attract and hold victims, including promises of well-paying jobs, debt bondage, community or family pressures, threats of violence, rape, and false marriages. Promises of relatively lucrative employment are among the most common tactics. For example, police and NGO interviews of women who escaped from forced prostitution in Batam, Papua and Malaysia commonly reveal that traffickers recruited the young women with offers of jobs in restaurants, supermarkets or as domestic servants. Once at their destination, traffickers used violence and rape to force them into the sex trade. Migrant worker recruiters also use misrepresentation and debt bondage to traffic men and women. Beginning in December 2004 and continuing through 2005, the GOI freed some 2,000 women and girls detained in illegal Jakarta-area migrant worker holding centers, many of which reportedly kept their victims illegally confined under

inhumane conditions.

Debt bondage is particularly common in the sex trade. Indonesian women and girls trafficked into prostitution in Batam, for example, commonly began with a debt of five to ten million rupiah (USD 600-1,200). Given the constant accumulation of other debts, women and girls are often unable to repay these amounts, even after years of work as prostitutes. Although detailed information was lacking, NGOs assumed traffickers would subject foreign victims held in prostitution to threats, violence, and withholding of documents.

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Some migrant workers, often female, also entered trafficking and trafficking-like situations during their attempt to find work abroad through migrant worker recruiting agencies (PJTKI). Licensed and unlicensed PJTKI used debt bondage, withholding of documents and confinement in locked premises to keep migrant workers in holding centers, sometimes for periods of many months. Some PJTKI also use threats of violence to maintain control over prospective migrant workers. Civil society, officials, and victims themselves commonly viewed conditions of debt bondage and physical confinement as acceptable aspects of the migrant worker system, rather than as rights violations.

Traffickers sent Indonesian victims both overseas and to domestic locations. As noted above, traffickers focused disproportionately on women and children. Traffickers also took advantage of persons in many impoverished regions. While poverty plays a leading role in facilitating trafficking, poor educational opportunities, cultural factors and established trafficking networks also acted as important determinants.

TRAFFICKERS

Traffickers fit many different profiles. Some worked in larger mafia-like organizations, particularly for trafficking into major prostitution areas. Others operated as small or family-run businesses. Husband-wife teams of traffickers were common, with the wife often serving as the recruiting agent. In many instances, local community leaders and parents of victims assisted in trafficking.

Some PJTKI operated similar to trafficking rings, leading both male and female workers into debt bondage, abusive employment situations and other trafficking situations. Some of the offending PJTKI held official licenses. Others operated illegally or appeared to be paper fronts for traffickers.

Some individual members of the security forces were complicit in trafficking, particularly by providing protection to brothels and prostitution fronts in discos, karaoke bars and hotels, or by receiving bribes to turn a blind eye to such crimes. An unknown number of civilian officials, including those who work in local government service, immigration, and local Manpower offices, either contributed to or were complicit in trafficking.

There were many reports of families either selling or encouraging children to enter abusive domestic service or prostitution. Children worked to pay off debts or advances provided to their families. In certain rural communities, such as Indramayu, West Java, the GOI and NGOs repeatedly noted a culture in which young women were encouraged to support their families by becoming big-city prostitutes.

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SIGNS OF POLITICAL WILL

Indonesia' priority to fight trafficking found renewed expression in public remarks by President Yudhoyono, cabinet members, and other senior officials. In December 2005, President Yudhoyono called publicly for the quick passage of the comprehensive anti-trafficking bill and personally decried the conditions of trafficked migrant workers. In January 2006, President Yudhoyono and Malaysian Prime Minister Abdullah Badawi issued a joint statement, which "condemned acts of trafficking in persons as an atrocious crime against humanity." The joint statement also "expressed strong commitment in working together to combat such crime and instructed the two countries' respective national police to enhance cooperation towards such a goal." Indonesia's Women's Minister and Manpower Minister spoke out against trafficking publicly and in meetings.

After a delay that affected almost all pending national legislation, Indonesia's House of Representatives (DPR) took up the anti-trafficking bill as a DPR initiative in late 2005 and began formal hearings in January 2006. Given its backlog of over 200 bills, the DPR in effect prioritized the anti-trafficking law over most other pending legislation. The DPR committee targeted passage of the bill in mid-2006.

GOI-sponsored public education campaigns, continued arrests and prosecutions of traffickers, new medical facilities and shelters to assist victims, and other actions detailed in this report provided further signs of political will.

LIMITATIONS, RESOURCES

Given the scope of the country's trafficking problem, Indonesia's actions against trafficking, whether the responsibility of national or local governments, continued to demonstrate serious weaknesses and failings. Indonesia's relative poverty, weaknesses in governance, poor public funding, preoccupation with post-tsunami recovery, and endemic corruption all contributed to these shortcomings.

As a developing country with a low per capita income, and as a new democracy of some 240 million people struggling with a legacy of 40 years of authoritarian rule, Indonesia faces huge challenges in governance, which significantly limit the GOI's ability to fight trafficking. Indonesia's emerging democratic structures commonly lack capacity and integrity, and face critical funding limitations.

Overall, government funding for anti-trafficking remained very inadequate, a situation similar to the country's response to many other crimes and social ills. Limited funding constrained central and local governments' assistance and protection efforts. This included the GOI's ability to

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detect and assist victims on islands sometimes many hundreds of miles from the national and provincial capitals. While the GOI did assist many Indonesians trafficked abroad, assistance and protection efforts, in particular for persons trafficked within Indonesia, remained very sporadic and did not reach most victims. Limited police budgets and lack of operational funds severely hampered investigations, many of which required travel to other police districts.

Jakarta officials and researchers reported that the national and local governments increased outlays for specific anti-trafficking efforts over the past several years, but these sources did not provide budget data. In 2006 the GOI's focal point for anti-trafficking, the Women's Ministry, did not receive a significant increase in anti-trafficking funding, which remained at approximately \$300,000 (the Women's Ministry has a policy, rather than operational role). There were reports of additional provincial and district

governments allocating limited money for anti-trafficking efforts, but no details were available.

The devastating earthquake and tsunami that struck Indonesia's Aceh and North Sumatra provinces on December 26, 2004, continued to consume massive amounts of GOI funding and attention over the past year. As the world's worst natural disaster in living memory, the catastrophe left over 120,000 Indonesians dead and many more missing. It also caused billions of dollars in physical damage. Key Indonesian ministries in the fight against trafficking, including the People's Welfare Coordinating Ministry, the Women's Ministry and the Social Affairs Ministry, took on major responsibilities for the Aceh relief effort. Staff and budgets in these ministries were very much focused on tsunami response efforts during most of 2005.

CORRUPTION -----

Corruption, which took firm root under the former Suharto government, remains widespread and deeply entrenched. The legal system generally functions poorly and rule of law is weak, severely affecting GOI law enforcement efforts for all crimes, and TIP cases are no exception. The police force is only slowly coming to grips with its proper role in a democracy and under civilian, rather than military, authority.

Corruption in Indonesia's legal system affects trafficking cases. According to NGO reports, and statements from officials and police, in recent years traffickers have used corruption in the legal process to their benefit to obtain reduced charges and sentences, to manipulate investigative reporting, and to avoid charges altogether. Often times, NGOs, officials and private citizens did not report information on corruption and illegal activities to the authorities because of concern over retribution or lack of trust in the system to take action in such cases.

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Corruption among government officials and institutions responsible for producing national identity cards, passports and other identifying documents contributed substantially to trafficking. This particularly affected the trafficking of persons abroad and the trafficking of minors into prostitution.

The Yudhoyono administration launched a new and promising anti-corruption campaign, with an Corruption Eradication Commission (KPK) and a special anti-corruption task force under the Attorney General's Office. The campaign achieved some notable, high-profile successes in its first 16 months, but represented only the beginning of a very long process needed to significantly reduce endemic corruption.

GOI MONITORING AND ASSESSMENTS -----

Senior GOI officials periodically evaluate the Government's performance, including serious shortcomings. The GOI uses the National Anti-Trafficking Task Force to evaluate progress and shortcomings under the framework of the National Action Plan to combat trafficking. The Task Force had the following priorities for 2004-2007:

- Adoption of the comprehensive anti-trafficking law
- Increase in public awareness campaigns and efforts
- Promotion of better mechanisms for counter-trafficking programs at provincial and district levels
- Full development of shelters in all provinces and in half of all districts
- Strengthening the capacity of law enforcement officers and task forces at all levels
- Building data collection and information systems

As an example of its activity, the latest National Anti-Trafficking Task Force meeting, held in late February 2006, endorsed a number of practical actions, including: targeting the passage of the anti-trafficking bill in 2006; increasing GOI public awareness programs; increased attention to the role of falsified national identity documents in contributing to trafficking; better defining procedures for victims to access government services; development of an awards program for local government leaders who carry out significant anti-trafficking efforts; and needed follow-up with the Finance Ministry and the National Planning Board to explore more national and local level funding in anticipation of the end of foreign anti-trafficking assistance.

The GOI produces and publicly distributes an annual anti-trafficking report, normally available by April of each year.

II. PREVENTION OF TRAFFICKING

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UPDATE

Indonesia's acknowledgement of trafficking found clear reiteration in public statements by President Yudhoyono and other measures. Indonesia's National Spokesperson on Trafficking, Dewi Hughes, continued numerous public engagements. The GOI ran a first-ever anti-trafficking public service announcement on television, reaching millions of viewers. The Manpower and National Education ministries incorporated anti-trafficking materials in their training activities. The national Scout movement expanded its anti-trafficking campaign in West Java. The GOI made progress in achieving free basic education and free birth registrations in some districts. The GOI began to introduce a passport with improved security features.

GOVERNMENT ACKNOWLEDGEMENT OF TRAFFICKING

The GOI at the most senior levels acknowledges that trafficking is a serious problem that affects many Indonesian women and children. This acknowledgement is reflected in presidential and ministerial-level statements, including clear public statements by President Yudhoyono in 2005; three related national action plans; national and local anti-trafficking task forces; additional criminal sanctions included in the 2002 Child Protection Act; police actions to combat trafficking; and current GOI and DPR efforts to pass comprehensive anti-trafficking legislation.

As an important signal of its recognition of the problem, the GOI seeks, accommodates and welcomes international assistance to fight the trafficking of Indonesian citizens, including in the area of law enforcement. Indonesia actively participated in international, regional and sub-regional anti-trafficking events, including preparation and signing of the November 2004 ASEAN anti-trafficking declaration, and hosting of the ASEAN TIP workshop in 2005. President Yudhoyono and Malaysian Prime Minister Abdullah Badawi's January 2006 joint statement condemned trafficking as "an atrocious crime against humanity."

Some GOI agencies, individual officials and local governments lagged behind in understanding and acknowledging TIP. Others took anti-TIP actions without using the term "trafficking." A number of senior civilian officials and law enforcement officers continue to believe that trafficking is a problem only for Indonesians victimized abroad and they do not acknowledge or admit the existence of internal trafficking, particularly for prostitution. In general, trafficking

within Indonesia's borders received less acknowledgment and priority than trafficking of Indonesians to other countries, though law enforcement actions against internal trafficking appeared to increase.

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GOI AGENCIES INVOLVED IN ANTI-TIP EFFORTS

Many government agencies at national and sub-national levels carried out anti-trafficking efforts, some in a substantive way and others only superficially. The People's Welfare Coordinating Ministry is the senior most executive body responsible for TIP. In 2002, the President identified the Women's Ministry as the focal point for anti-trafficking efforts, particularly those concerning women and children. Both the Coordinating Ministry and the Women's Ministry actively engaged on TIP throughout the year. Several deputy ministers from both ministries devoted themselves on an almost full-time basis to anti-trafficking activities.

The People's Welfare Coordinating Ministry and the Women's Ministry lead the GOI's National Anti-Trafficking Task Force, which has formal responsibility for the National Action Plan to Eliminate Trafficking in Persons. This body includes 12 other GOI agencies (as well as NGOs and civil society representatives):

- Home Affairs Ministry
- Foreign Affairs Ministry
- Religious Affairs Ministry
- Law and Human Rights Ministry
- Manpower and Transmigration Ministry
- Social Affairs Ministry
- Health Ministry
- Education Ministry
- Tourism and Culture Ministry
- Communications Ministry
- The National Police (POLRI)
- The National Statistics Bureau

The National Task Force has had limited success as a coordinating body, and less success in generating concrete actions. In part, this reflects the relative powerlessness of the Women's Ministry within the national government, and the fact that neither the People's Welfare Coordinating Ministry nor the Women's Ministry has much operational authority. However, interagency coordination generally is weak or nonexistent everywhere in the government on almost all issues.

The Manpower Ministry maintained a Directorate for the Protection of Overseas Workers that carried out some functions related to anti-trafficking, though it normally did not use this concept to describe its actions.

Local government agencies, for the most part operating autonomously from central ministries, also played roles in anti-trafficking. The number of provinces with established anti-trafficking committees or task forces increased to 12 (out of 33 provinces), namely: Bali, Central Java, East Java, East Kalimantan, East Nusa Tenggara, Jakarta, North Sulawesi, North Sumatra, West Java, West Kalimantan, West

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Nusa Tenggara, and Yogyakarta. At least 14 district-level task forces also operated within 8 provinces: Bali (Buleleng), Central Java (Cilicap), East Java (Tulungagung, Malang, Ponorogo, Blitar, Banyuwangi), Riau (Dumai), Riau Island (Tanjung Balai Karimun), West Java (Indramayu, Bandung, Bekasi), West Kalimantan (Sambas), and West Nusa Tenggara (Sumbawa). The effectiveness of the various committees and task forces varied considerably, and some

failed to function adequately.

GOI ANTI-TIP CAMPAIGNS

During this period, the GOI and NGOs continued anti-trafficking information and education initiatives, which were limited in scope and budget, but did raise awareness among the Indonesian public. GOI-sponsored public awareness campaigns included TV, radio and print media, and commonly featured senior officials. Indonesia's National Spokesperson on Trafficking, TV personality Dewi Hughes, continued public awareness engagements in numerous media events that highlighted the human cost of trafficking, sought to warn potential victims, and lobbied for the passage of the anti-trafficking bill.

In 2005-2006, the Women's Ministry conducted awareness-raising efforts in 16 provinces. In late 2005, the Women's Ministry sponsored a televised public service announcement (PSA) on private national television stations, with viewing audiences in the millions of viewers. The television PSA, the first-ever related to trafficking, ran for approximately one month. The PSA depicted a rural girl who, with the promise of a lucrative job, is trafficked into prostitution in a big Indonesian city.

The Manpower Ministry included information on the risk of trafficking, and other abuses, during mandatory training of out-going migrant workers. The Manpower Ministry also launched pilot projects in four sub-districts (two in West Java, one in Central Java, one in West Nusa Tenggara) involving activists who reach to their communities to raise awareness about trafficking and safe migration.

Some local governments, such as in North Sulawesi, East Java, and Batam, also conducted education campaigns.

The National Education Ministry incorporated anti-trafficking materials in some of its training activities. The Ministry distributed anti-trafficking education kits to 150 administrators responsible for the country's out of school education services. The National Education Ministry also funded a local NGO project to assist radio stations in West Java with the creation and airing of anti-trafficking PSAs.

NGOs remained the most active groups conducting anti-trafficking campaigns in some areas. For example, in Surabaya, East Java, NGOs held discussions in prostitution

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complexes, sponsored university workshops, conducted campaigns in bus and railway stations, and distributed brochures and posters.

There were few efforts that focused on reducing demand for trafficking. Limited public education material in Bali and Batam, aimed at stopping child sex tourism, contained messages for potential clients of prostitutes.

The GOI efforts contributed to increasing public understanding of the seriousness of the trafficking problem, but GOI agencies responsible for combating trafficking did not have funds to conduct extensive, national education efforts. The national TIP Task Force called for expanded awareness-raising campaigns.

Media coverage of trafficking, both domestic and international, expanded over recent years. National television, radio and print media, and local newspapers routinely covered TIP issues. Investigative journalism shows highlighted the crime. Migrant workers who had become trafficking victims, Indonesian prostitutes in Malaysia and the Middle East, domestic servants in Saudi Arabia, and child prostitutes were among topics that received significant coverage.

Indonesia's national Scouts organization, which has near universal representation in public schools, continued and expanded its anti-trafficking education campaign in West Java. The on-going campaign targets 25,000 students in 116 schools in 2006. Some Islamic organizations, including Muslim boarding schools (pesantren) began to take a more active role in anti-trafficking awareness-raising in parts of West Java, East Java, and Aceh. In West Java, the Fahmina Institute and the pesantren of Kyai Husein Muhammad engaged in active anti-trafficking efforts focused on the Muslim community.

GOI SUPPORT TO OTHER PREVENTION PROGRAMS

The GOI supported and administered other national programs related to the prevention of trafficking, but not designed specifically as anti-trafficking efforts. These programs commonly faced serious constraints in terms of GOI limited funds, institutional capacity, and corruption. Some of the more relevant programs were:

-- A program to encourage free basic public education through the first nine years of schooling, including subsidies for students from poor families. A number of districts announced their achievement of free public schooling.

-- A program to encourage birth registrations, coupled with a law that mandates government offices to provide birth certificates free of charge. At least 21 local governments began free provision of birth certificates.

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-- A national program to eliminate gender inequality in education.

-- Programs to train female migrant workers.

-- Credit schemes for micro-, small- and medium-sized businesses, some of which focused on women.

-- Revolving credit schemes for cooperatives and savings and loan associations.

-- Various cooperative efforts with NGOs to assist women from poor families.

The Megawati Government, which left office in October 2004, did not capitalize on then President Megawati's publicly declared campaign against the commercial sexual exploitation of children in Batam and Bali, announced in July 2003. The campaign led to some limited actions in Batam and some meetings in Bali, and helped somewhat to raise public awareness, but GOI efforts did not match the President's rhetoric. The campaign did not carry over into the new administration of President Yudhoyono.

RELATIONSHIP BETWEEN GOI, NGOS AND OTHER ELEMENTS

The overall relationship between relevant GOI offices and NGOs remained cooperative and mutually supportive on TIP-related issues. Cooperation varied from agency to agency and location to location. The GOI recognized the importance of NGO expertise, networks and involvement. NGOs met regularly with officials and participated in national and local task forces. The GOI and NGOs collaborated on many TIP initiatives, including in protection of victims, public awareness raising, and in providing assistance to law enforcement officials in investigations and prosecutions. The police and NGOs continued to share information on trafficking, although mutual suspicions between NGOs and police sometimes prevented their cooperation.

In East Java, the province's Child Protection Commission, police, city authorities, and NGO representatives in May 2005 launched a network to monitor and prevent trafficking of children into prostitution. The network monitors brothels and reports to the social services office and police if a brothel employs a child prostitute.

The DPR invited NGOs and other civil society groups to participate in hearings on the pending anti-trafficking bill. Women's groups worked with the GOI and DPR members to garner political support for the bill's passage.

In 2005, the Foreign Ministry decided not to proceed with an initiative by the NGO ICMC to provide limited technical and material assistance to TIP shelters and personnel operating

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out of Indonesian diplomatic offices in Malaysia. The Foreign Ministry explained that it had concerns over perceptions by the Malaysian government of a foreign NGO working with the Indonesian embassy there on such a sensitive issue. This situation coincided roughly with Malaysia's announced effort to expel illegal Indonesian workers.

MONITORING OF IMMIGRATION/EMIGRATION

The GOI, by its own admission, could not adequately monitor its borders due to the vast size of the country (stretching some three thousand miles east-west encompassing 17,000 islands), its tens of thousands of miles of coastline, and its limited naval and border patrol units. While the GOI increased controls and oversight at some border points in response to concerns over terrorism and illegal migrant worker flows to Malaysia, border control in general remained very inadequate. Field reports from the Indonesia-Malaysia land border crossing points, such as Entikong, West Kalimantan, consistently described very loose and easily corrupted immigration controls.

The GOI did not effectively monitor immigration and emigration patterns for evidence of trafficking, with some limited exceptions in areas like the Riau Islands, where from time to time police and immigration officials utilized immigration/emigration data to detect and act against trafficking rings. On the whole, however, immigration officials and law enforcement agencies did not have the equipment, capacity or tools to generate useful information, or did not prioritize such information.

In 2004, Indonesia established a Transnational Crime Center (TNCC), which includes trafficking as one focus. There was no information, however, on the TNCC's activities related to trafficking over the past year.

In February 2006, the GOI introduced a new passport with increased security features. In the future, the GOI plans to link fingerprints to passport data to prevent fraud. While efforts to increase passport integrity began, Indonesia's passport services, like most other government services, remained the object of widespread corruption. Indonesians are able to easily obtain passports in false and multiple identities. The lack of computerized nationwide passport and immigration records facilitated the work of traffickers, and made it difficult to check whether potential trafficking victims have left Indonesia. Recruitment agencies routinely falsified birth dates, including for children, in order to apply for passports and migrant worker documents.

COORDINATION AND COMMUNICATION MECHANISMS

At the national level, the Women's Ministry served as the focal point for GOI actions on TIP. The People's Welfare

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Coordinating Ministry, which includes the Women's Ministry under its umbrella, also played a key role in coordinating efforts across different agencies. The National Action Plan to eliminate trafficking created a Task Force led by the People's Welfare Coordinating Minister and the Women's Minister, and included some 28 government and law enforcement agencies, NGOs, and civil society groups (see above). Many provinces and a number of districts operated task forces for coordinating anti-trafficking efforts.

The GOI actively participated in multilateral and international coordination efforts to combat trafficking under UN, ASEAN and regional frameworks. As an example, the GOI hosted the ASEAN workshop on combating TIP in November 2005. The results for Indonesia of such multinational efforts have been mixed, in part because they often do not involve GOI agencies that are responsible for TIP and are knowledgeable about the issue. For example, the Bali Ministerial process appears to have had little discernable impact on GOI anti-trafficking efforts inside the country thus far.

NATIONAL PLANS OF ACTION

In 2002, then President Megawati approved three five-year national action plans related to trafficking, one each to eliminate the worst forms of child labor, to combat trafficking in women and children, and to eliminate the commercial sexual exploitation of children (CSEC). The People's Welfare Coordinating Ministry and the Women's Ministry led the development of the anti-trafficking action plan, beginning in March 2002. A number of NGOs and civil society groups actively joined in the drafting and discussion of the plans. NGOs and civil society groups sit on the steering committee for implementing the action plan. Following its adoption, the GOI has disseminated the action plans to GOI offices, provincial officials, NGOs and civil society groups, often through workshops, seminars and the travel of Jakarta officials to the provinces.

East Java Province approved a provincial action plan in 2005. Other provinces and districts also have developed action plans, including West Kalimantan.

The GOI has given responsibility for developing anti-trafficking programs to the National Anti-Trafficking Task Force, created by the National Action Plan, and led by the People's Welfare Coordinating Minister and the Women's Minister, which includes other government and law enforcement agencies, NGOs, and civil society groups (see above). Responsibility for provincial and district-level programs varies from location to location. A growing number of provinces and districts (26 in total) have their own task forces or committees.

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III. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

UPDATE

The DPR formally took up the comprehensive anti-trafficking bill in late 2005, after a long period of inaction affecting almost all other pending legislation. The DPR began hearings in January 2006 and targeted passage in mid-2006. Law enforcement actions against traffickers continued apace in 2005, with 110 arrests/investigations of individual traffickers, some reported 37 prosecutions, and at least 16

convictions, per partial data available. Most cases pertained to women and children trafficked into prostitution.

In contrast to previous years, a sizable number of arrests were for acts of internal trafficking. Law enforcement actions were highly concentrated in four provinces. Police did not improve their data collection on TIP cases and the Attorney General's Office paid very limited attention to centralized information on trafficking. Raids on illegal or abusive migrant worker holding centers freed hundreds of

women and resulted in arrests. The police formed special units to investigate crimes against women and children, including trafficking. Indonesian officials assisted with the arrest and return of three American pedophiles. Clashes between police and military highlighted the continued involvement of individual security force members in prostitution. Debt bondage in the migrant worker system continued as a widely accepted practice.

EXISTING ANTI-TIP LAWS

Current Indonesian law criminalizes trafficking in persons, though the country does not yet have comprehensive anti-trafficking legislation. Existing law have important limitations, such as the lack of a clear legal definition of trafficking. The Penal Code's Article 297 stipulates that "trafficking of females (age not specified) and trafficking in underage males" constitute a criminal offense and provides for penalties. Law No. 30/1999 on Human Rights also asserts children's rights to enjoy protection against trafficking. The October 2002 Child Protection Act (Chapter 12) includes specific and serious penalties for child trafficking and related offenses. As pertains to trafficking, however, the Act is general in nature and without a comprehensive definition of the crime. While the GOI can and did prosecute TIP cases under existing laws, including those for related criminal violations (e.g., rape, illegal confinement, abuse of women for immoral purposes, etc.), the lack of a comprehensive law with adequate legal definitions constitutes an impediment for law enforcement.

Police and prosecutors have increasingly turned to the Child

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Protection Act, and its tougher sanctions, in cases of child trafficking. This trend continued over the past year, with at least 38 traffickers charged under the Act.

At times, police and prosecutors used other sections of the Penal Code to jail traffickers, including provisions against abductions (Article 332).

STATUS OF NEW LEGISLATION

The 2002-2007 National Action Plan on anti-trafficking notes that the enactment of a comprehensive anti-trafficking law is an important goal and called for passage of the law by 2004. GOI began research for the law in 2002, completed an initial draft in 2003, and submitted the bill to the House of Representatives (DPR) following presidential signature in July 2004. The bill criminalizes all forms of trafficking, provides compensation for victims, and protection for victims, witnesses and others involved in legal proceedings. It also includes stiff penalties for perpetrators and officials involved in trafficking (see below).

The outgoing DPR did not deliberate on the TIP bill before leaving office in September 2004. During much of 2005, political conditions and inexperience in the new administration and DPR resulted in the DPR only passing several minor laws from a backlog of over 200 bills. Although the Yudhoyono administration and the DPR agreed to prioritize passage of the anti-trafficking law during 2005, the DPR did not take further action on the bill until the

last quarter of 2005, when the legislature adopted the draft as its own "initiative" and formed a special committee to handle the bill. In December 2005, President Yudhoyono and the Women's Minister publicly called for the bill's quick passage. The DPR committee began formal hearings in January 2006 and targeted passage of the bill in mid-2006.

In 2004, the DPR passed Law 39/2004 on the protection of migrant workers abroad. The law provides greater regulation of the migrant worker recruiting and placement process. It establishes jail sentences of 2 to 15 years for unlicensed labor recruitment agencies. Over the past year, Jakarta police and Manpower Ministry officials began shutting down some illegal and abusive recruiting agencies, and arresting their operators using the migrant worker protection law.

OTHER LAWS USED AGAINST TRAFFICKERS

A myriad of other laws exists in Indonesia that the GOI can use to prosecute trafficking-related offenses. These include laws against sexual exploitation, labor exploitation, child labor, abduction, rape, unlawful detention, and immigration offenses. At times, the GOI used these laws in conjunction with anti-trafficking charges to prosecute traffickers.

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ICMC/ACILS conducted a review of existing legislation and concluded that, "although (existing laws) can and should be used to act now against those who traffic in people, there are many gaps in the existing legislation."

PENALTIES FOR TRAFFICKING

Under the Criminal Code, Article 297, those "trafficking in females and trafficking in underage males are threatened by a penalty of up to six years in jail." The Child Protection Act, Article 83, provides for a jail sentence of 3 to 15 years, plus fines, for child traffickers. In addition, there are separate sanctions for related crimes against children such as: sexual exploitation (10 years maximum imprisonment plus fine), involving a child in narcotics trade (5 years in jail to life imprisonment, or death penalty, plus fine), and exposure of children to trafficking situations (5 years maximum imprisonment, plus fine).

The anti-trafficking bill, pending before the legislature, provides for jail sentences ranging from 4 to 15 years for trafficking acts. The bill provides for increased sentences for trafficking under certain circumstances, for example: trafficking by parents (increased sentence by one-third); trafficking resulting in serious injury (5 to 20 years); and trafficking resulting in death (life in prison).

PENALTIES FOR RAPE OR FORCIBLE SEXUAL ASSAULT

The Criminal Code, Article 285, stipulates a maximum of 12 years imprisonment for rape committed outside of marriage. Other generally less severe criminal sanctions apply for sexual intercourse with a minor, forcing a person to commit an act of sexual abuse of a minor, facilitating minors to perform acts of obscenity, and other related offenses. The 12-year maximum jail sentence for rape exceeds the 6-year maximum for trafficking under the Criminal Code, but is similar to the 15-year maximum penalty for trafficking of children under the Child Protection Act.

PROSTITUTION NOT LEGAL, BUT WIDESPREAD

As a matter of national law, Indonesia has not legalized prostitution. Indonesia's Penal Code does not explicitly mention prostitution, but the Code's Chapter 14 refers to

"crimes against decency/morality," which many within national and local governments interpret to apply to prostitution. Central government officials contacted by the Embassy agreed in their interpretation that the Penal Code renders prostitution illegal. The prostitution of children is clearly illegal under the Penal Code and the 2002 Child Protection Act.

The Penal Code can be used to prosecute the acts of pimps,

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brothel owners and enforcers on the basis of various crimes, including: using violence or threats of violence to force persons to conduct indecent acts (Article 289, with a maximum penalty of nine years in jail); facilitating indecent acts (Article 296, with a possible jail term of 16 months); conducting/facilitating public indecency (Article 281); and making profits from the indecent acts of a woman (Article 506, with a possible one-year jail sentence). In practice, authorities rarely pursued such charges against those involved in prostitution.

Clients of child prostitutes can be charged under the Penal Code and the Child Protection Act. In theory, married persons who are clients of prostitutes can be charged for engaging in sexual relations outside of marriage (Penal Code Article 284). In general, police did not arrest and pursue charges against clients of prostitutes.

While contrary to societal and religious norms in Indonesia, the practice of prostitution is widespread and largely tolerated in many areas of the country, particularly when it is not a matter of public display. Although contrary to national interpretations that the Penal Code prohibits prostitution, authorities in some localities have formally or informally regulated prostitution in response to community pressure. Drawing on precedents from the Dutch colonial era, beginning in 1960, some cities and other areas, including eventually Jakarta, Surabaya, and Batam, adopted a policy of "localization" (concentration in a particular locale) for prostitution. Often supported by elements of civil society, "localization" was justified as an attempt to isolate vice and thereby preserve the morals of the wider community, as well as an effort to better monitor the activity and provide health and rehabilitation services. In recent years, some local governments (Jakarta among them) closed down the "localization" areas because of protests from religious groups, a trend that continues.

In November 2005, the city of Tangerang, near Jakarta, passed a public morality ordinance which, in part, forbids persuading or coercing others into acts of prostitution, as well as against acts of physical intimacy in public, such as kissing. Other local governments are considering ordinances against prostitution in the context of broader, and possibly intrusive, regulations of public morality.

According to a media report, in February 2006 the social services agency in Batam announced a plan to issue identification cards to prostitutes, with the stated objective of preventing children from being engaged in prostitution. The plan met with opposition from local legislators and religious leaders, who objected to the measure believing it to constitute legalization of prostitution.

In some areas, including certain locations in Papua, brothel owners registered prostitutes with the police with a view to

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demonstrating that the prostitutes are not coerced or underage.

Some local governments gained important tax revenues from

otherwise legal entertainment businesses, such as karaoke bars, that also offer prostitution. Individual police and other officials also gained illegal income as a result of prostitution. These factors encouraged the tendency to tolerate prostitution, according to observers.

ARREST AND PROSECUTION OF TRAFFICKERS

The GOI investigated, arrested, indicted, convicted and sentenced traffickers, with partial data indicating that anti-trafficking law enforcement efforts in 2005 continued at a pace similar to 2004.

According to data provided by the national police, local police offices, other GOI offices and press accounts, police investigated/arrested 110 suspected traffickers in calendar year 2005. An additional 15 arrests occurred in January-February 2006. Almost all of the arrests related to trafficking of women and girls for prostitution, with the exception of baby-trafficking (see below). Police investigated and arrested traffickers sending victims to internal destinations (62 cases) and foreign countries (Malaysia 21 cases; Japan 3; Middle East 3; Singapore 2). The sizable number of arrests for acts of trafficking within Indonesia represented a positive change from previous years, in which most arrests related to international trafficking.

Approximately one-quarter of the arrests related to cases of "baby-selling," commonly using article 83 from the Child Protection Act prohibiting "the trafficking, selling or kidnapping of children for oneself or in order to sell to another..." Some of these cases may refer to practices of illegal adoption, rather than an inherently harmful, black market trade in babies.

Prosecutors took 37 traffickers to court in 2005, according to information from the Attorney General's Office (AGO) provided to the People's Welfare Coordinating Ministry in late February 2006. The AGO had not provided details of the cases to the Embassy by the time of this report. Details of 25 completed or on-going prosecutions were available to the Embassy from other GOI and non-governmental sources, showing 16 convictions of traffickers and no acquittals. The average sentence in these cases was 30 months in prison. The average sentence length for persons convicted under the Child Protection Act was higher than for those convicted only under the Penal Code. The longest sentence handed down by a court in 2005 in a trafficking case was nine years, representing a conviction under both the Penal Code and Child Protection Act.

In the 57 cases for which relevant information was available,

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police and prosecutors used the Child Protection Act against traffickers in 38 cases; the Penal Code in 33 cases; the Migrant Worker Protection Act in 13 cases; and a local ordinance in 2 cases. Police and prosecutors often filed charges under multiple laws. Almost all cases involving child or baby trafficking utilized the Child Protection Act.

As in previous years, the available law enforcement data showed distinct geographic patterns. In 2005, 18 out of 33 provinces recorded anti-trafficking law enforcement cases, with law enforcement actions highly concentrated in four provinces. North Sumatra recorded the greatest number of arrests and prosecutions (27), followed by West Java (24), Jakarta (18), and Riau Islands (15). The remaining 14 provinces recorded 7 or fewer cases each. In some areas of the country known for trafficking problems, there were few or no reports of law enforcement actions.

The law enforcement data available to the Embassy represents incomplete and imperfect information. Despite standing instructions from National Police Headquarters, not all

police districts reported anti-trafficking statistics and some district reports were incomplete. The national police data collection effort for anti-trafficking statistics remained inadequate and did not demonstrate improvement over the previous year. This also reflects a general weakness in law enforcement data collection, which applies not only to the issue of trafficking in persons. In addition, police data would not necessarily capture some cases that did not involve trafficking charges, such as cases in which traffickers are charged with rape or abduction instead of trafficking.

Relative to the police, the AGO had even more difficulty in providing anti-trafficking data. AGO attention to data collection on TIP appeared very limited. Central government officials often relied upon contacts with province and district level courts and prosecutors to gather data on legal proceedings against traffickers.

The GOI's difficulties in collecting data are not unique to TIP, but are endemic to the Indonesian Government and have been particularly acute following decentralization. Local authorities are no longer compelled to provide data to central authorities in many instances.

Police and other GOI officials stated that almost all of the convicted traffickers served their sentences in jail, but no details were available.

Continuing law enforcement actions that began in December 2004 and January 2005, police and Manpower Ministry officials conducted raids on 12 illegal migrant worker holding centers in Jakarta from February to October 2005, arresting 10 persons and freeing 565 women. The police used the 2004 migrant worker protection law as the basis for the arrests. According to GOI officials, the raids targeted unlicensed

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holding centers some of which forcibly held prospective female workers (adults and some children) under inhumane conditions. However, they did not reflect a change in the GOI's tacit acceptance of debt bondage, which, while not recognized in law, is largely institutionalized in Indonesia's migrant worker system.

THOSE BEHIND TRAFFICKING

Many traffickers arrested during this period appeared to be lower level operators and/or members of small crime groups. In a few cases, like that of the Jakarta-based traffickers who sent women to Japan as "cultural entertainers," police appeared to arrest more senior members of trafficking syndicates. Most observers suspected the involvement of larger crime syndicates and international criminal rings, particularly for some overseas trafficking of prostitutes. Large organized crime gangs commonly operated brothels in major prostitution zones, normally with the involvement of individual security force members. Traffickers also took on the form of migrant worker recruiting agencies, both licensed and unlicensed. Marriage brokers were involved in trafficking using false marriages.

Some government officials and individual members of the security forces indirectly or directly assist traffickers, and in some cases themselves fit the definition of traffickers.

No information was available on the channeling of profits from trafficking in persons.

POLICE APPROACH TO INVESTIGATIONS

As noted above, police continued actions to investigate traffickers, break up trafficking rings, arrest traffickers

and free victims during this period. Police trained under the DOJ/ICITAP program carried out qualitatively improved investigations of trafficking during 2005, according to U.S. Mission observations. In most incidents, however, police were largely reactive in their investigations, taking actions in response to complaints by family members, escaped trafficking victims, civil society groups, NGOs, the press and other government officials. Police more readily took action in the case of children trapped in prostitution, rather than adults forced into, or trapped in, the sex industry.

Beginning as early as 2001, the police established women's help desks (RPK) to protect women and child victims of violence, including trafficking, and also to aid in investigations of these crimes. The police have steadily expanded the number of RPK, totaling 237 such desks in 2006. Recently, certain police districts, including Jakarta and North Sumatra, formed specialized investigative units focused

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on crimes against women and children, with the units referred to by the abbreviation RENATA. In 2006 the RENATA unit in Medan, North Sumatra, consisted of 18 full-time female police investigators, led by a senior female police official, and focused most of its work on cases of domestic violence and trafficking in persons. As noted above, in 2005 North Sumatra carried out more anti-trafficking law enforcement actions than any other province, per available data. Jakarta's RENATA unit achieved some high-profile success in 2005 with the arrests of two traffickers sending young women into prostitution in Japan.

GOI officials and NGOs often criticized police officers as too passive in combating trafficking absent specific complaints. Although police were often aware of underage prostitutes or other trafficking situations, they frequently did not intervene to protect victims or arrest probable traffickers without specific reports from third parties. Police in some areas facilitated and accepted at face value efforts by pimps to obtain written statements by prostitutes, which "verified" that the prostitutes were of adult age and had consented to their roles. Police in some areas generally accepted trafficking or trafficking-like situations, whether out of lack of awareness of trafficking as a crime, their direct or indirect involvement in trafficking, their individual financial interest in prostitution, lack of police resources for operations, or competing law enforcement priorities.

To aid in trafficking investigations, cases involving Indonesian migrant workers, and other crimes, beginning in 2003 the police posted liaison officers in Indonesian embassies in Saudi Arabia, Malaysia, Australia and Thailand. These police liaison officers contributed to growing law enforcement cooperation particularly with Malaysia. The Indonesian police liaisons in Australia and Saudi Arabia have also helped to investigate trafficking in the past.

INVESTIGATIVE TECHNIQUES -----

In some instances, the police, particularly those who had received anti-trafficking training, used active investigation techniques to develop trafficking cases. The police used undercover operations to some extent. In the past, police occasionally employed electronic surveillance using technical expertise developed for counter-terrorism. Information collected through electronic surveillance is not admissible in Indonesian courts except in cases of terrorism. The cooperation of victims and witnesses was important to police and prosecutors in making cases against traffickers. According to a number of the police, GOI officials and NGOs, victims frequently avoided testifying because of the prolonged nature of court cases, their desire to return to

their home areas and lack of financial assistance to maintain themselves. This complicated prosecution efforts. In some

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cases, police did not detain suspects, who then subsequently disappeared and did not present themselves in court.

SPECIALIZED TRAINING

Beginning in 2003, the GOI and POLRI using their own budgets began to provide some training to officials and law enforcement officers on TIP and related subjects at the national and local levels, a positive change from previous years. NGOs at times served as resource persons for such training. POLRI has welcomed anti-trafficking training assistance from the U.S. via the Department of Justice/ICITAP, which will continue in 2006 after a break in funding in 2005. The International Organization for Migration (IOM) continued to provide some anti-trafficking training to the police over the past year.

The Manpower Ministry trained labor inspectors and officials responsible for migrant workers in the subjects of the worst forms of child labor and trafficking.

COOPERATION WITH OTHER GOVERNMENTS

The GOI cooperated with other governments, particularly Malaysia, in the investigation and prosecution of trafficking cases during this reporting period. Indonesian and Malaysian law enforcement officers worked together to stop criminal operations trafficking women and girls into prostitution in Malaysia, and trafficking of babies to Malaysia. Indonesian and Singaporean police also cooperated in the investigation of a ring sending Indonesian prostitutes to Singapore. It was unclear whether the prostitutes were trafficked.

In the past, Indonesia and Australia cooperated in the investigations of Australian pedophiles victimizing children in Bali, and syndicates trafficking women to Australia.

Indonesian police and other officials cooperated actively with U.S. law enforcement to arrest and expel wanted American citizen pedophiles (see below).

EXTRADITION

Indonesia maintains extradition treaties with only five countries or territories, but very seldom utilizes this mechanism to seek extradition of its citizens, preferring less formal options such as rendering and deportation. Indonesia does not have a history of extraditing or rendering its own citizens to other countries.

Indonesia did not extradite any traffickers during this reporting period and there were no reports of such requests from other countries.

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Indonesian police and officials have cooperated with foreign governments, including the U.S. and Australia, in the apprehension and repatriation of foreign sex offenders.

GOVERNMENT INVOLVEMENT IN OR TOLERANCE OF TRAFFICKING

Some government officials and individual members of the security forces facilitated, tolerated, or were involved in TIP on a variety of levels. The GOI in past reports acknowledged this fact, which has been widely reported by

groups working on trafficking. The most common example of such complicity was in the production of national identity cards. In local communities, low-level officials certified false information to produce national identity cards and family data cards for children to allow them to work as adults. They commonly did so in order to collect bribes and also to assist poor families in gaining additional wage earners. In most cases, these officials facilitated such cards without knowing the children will be trafficked. In a much smaller number of cases, the local officials presumably were aware that they are facilitating trafficking. Based on the identity cards, traffickers processed passports and work visas for children who otherwise would not be able to obtain such documents. With less than 30 percent of all births registered in the country, and such registrations also subject to falsification, authorities often had little legal basis to challenge documents containing false information.

Some officials in local Manpower offices (Disnaker) reportedly licensed and tolerated migrant worker recruiting agencies despite the officials' knowledge of the agencies' involvement in trafficking. In return for bribes, some Immigration officials turned a blind eye to potential trafficking victims, failing to screen or act with due diligence in processing passports and immigration control.

Local governments' informal or formal regulation of and alleged profiteering from established prostitution zones in larger cities also raised concerns about local officials' involvement and tolerance of trafficking.

Individual members of the police and military were associated with brothels and prostitution fronts, most frequently through the collection of protection money, which was a widespread practice. Sometimes off-duty security force members worked as security personnel at brothels. Security force members also involved themselves in prostitution as brothel owners or through other illicit business interests, according to NGOs and other reports. As one prominent example, NGOs continued to report the involvement of Indonesian navy personnel and police in the Dolly prostitution complex in Surabaya, one of Southeast Asia's largest brothel areas. A 2005 NGO examination of trafficking in Papua also found indications of police and military personnel involved in trafficking.

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NGOs described the involvement in TIP of individual police and military members primarily as one of extorting protection money from brothel owners and pimps, and of not taking proactive steps to free underage or other trafficked prostitutes. In past years, there have been reports of police officers assisting pimps to return runaway prostitutes to brothels. The NGOs did not report any examples of security force members actively recruiting or forcing children into prostitution.

Police, public order officials and military members sometimes clashed as a result of raids on prostitution areas, publicly highlighting the link between security force members and the sex trade. Examples of such clashes occurred in Padang, West Sumatra, in 2005 and in Sukabumi, West Java, in February 2006.

In some cases, the police tolerance of trafficking, profiteering from the sex trade, and/or lack of understanding of the law limited or delayed their actions in response to complaints. On occasions in the past, national police headquarters intervened with local police units to generate actions, after the local units failed to respond to direct complaints.

Police and officials often did not recognize the relationship of debt bondage and trafficking of women and girls for prostitution.

DEBT BONDAGE INSTITUTIONALIZED

The recruiting process for Indonesians working as unskilled or semi-skilled labor abroad tends to institutionalize debt bondage, which technically is illegal under Indonesian law. Migrant worker recruiting agencies commonly hold prospective workers in debt bondage. The indebtedness stems from processing fees charged to the workers by the agencies and costs incurred by the agencies prior to the departure of workers for jobs overseas. Prospective migrant workers can remain in holding centers for months at a time, awaiting placement and departure. In some cases, such situations degenerate into jail-like conditions, with poor food and sanitation, and with workers unable to leave locked warehouses where they are housed. There often appeared to be widespread societal acceptance and tolerance by GOI officials and law enforcement of such migrant worker conditions. Situations of debt bondage commonly continued with overseas employers.

The Manpower Ministry and the Jakarta police launched raids on unlicensed migrant worker agencies, some of which kept women and girls under inhumane conditions (see above). U.S.-funded NGOs, the ILO and others examined the basis for legal challenges to debt bondage and alternative means of organizing migrant worker recruitment. There was a gradual increase in awareness among some Indonesian officials that

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the GOI should address the issue of debt bondage.

STEPS TO END OFFICIALS' INVOLVEMENT IN TRAFFICKING

The GOI did not provide details regarding actions taken against civil officials suspected of involvement in trafficking. From time to time, the GOI applied administrative sanctions against officials involved in passport or other document fraud. Criminal prosecutions for such actions are not common. There were no GOI reports of the security forces prosecuting or disciplining their own members for involvement in prostitution or other activities related to trafficking.

FOREIGN PEDOPHILES PROSECUTED, DEPORTED

The police actively investigated reports of foreign pedophiles operating in Indonesia. In 2004, these efforts led to the arrest, prosecution, and conviction of an Australian pedophile in Bali in May 2004, and of a Dutch pedophile in West Nusa Tenggara also in May 2004. In 2005, a court in Bali sentenced a French pedophile to 30 months in jail. Police in Bali arrested a suspected Dutch pedophile in July 2005, but the case remains under investigation. In February 2006, the GOI deported an Australian pedophile who had escaped from a jail in western Australia.

During this reporting period, Indonesia authorities fully and quickly cooperated with U.S. law enforcement officials for the arrest, expulsion and successful return to the U.S. of three American citizens wanted due to pedophile charges or convictions in the United States.

RATIFICATION OF INTERNATIONAL INSTRUMENTS

Indonesia has signed and in most cases ratified international instruments related to the worst forms of child labor and the trafficking of women and children:

-- The GOI signed ILO Convention 182 concerning the elimination of the worst forms of child labor and ratified this with Law No. 1 of 2000 on March 8, 2000.

-- Indonesia ratified ILO Convention 29 on Forced Labor in 1950. The GOI ratified ILO Convention 105 on the Abolition of Forced Labor in 1999.

-- Indonesia signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and ratified this in September 2001.

-- Indonesia signed in December 2000 the UN Convention Against Transnational Organized Crime and its Protocol to

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Prevent, Suppress and Punish Trafficking in Persons. The GOI has not yet ratified the Convention and Protocol.

-- On September 25, 2003, Indonesia signed the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1950, and the Convention's Final Protocol. Indonesia has not yet ratified these instruments.

III. INVESTIGATION AND PROSECUTION
OF TRAFFICKERS

UPDATE

The DPR formally took up the comprehensive anti-trafficking bill in late 2005, after a long period of inaction affecting almost all other pending legislation. The DPR began hearings in January 2006 and targeted passage in mid-2006. Law enforcement actions against traffickers continued apace in 2005, with 110 arrests/investigations of individual traffickers, some reported 37 prosecutions, and at least 16 convictions, per partial data available. Most cases pertained to women and children trafficked into prostitution.

In contrast to previous years, a sizable number of arrests were for acts of internal trafficking. Law enforcement actions were highly concentrated in four provinces. Police did not improve their data collection on TIP cases and the Attorney General's Office paid very limited attention to centralized information on trafficking. Raids on illegal or abusive migrant worker holding centers freed hundreds of women and resulted in arrests. The police formed special units to investigate crimes against women and children, including trafficking. Indonesian officials assisted with the arrest and return of three American pedophiles. Clashes between police and military highlighted the continued involvement of individual security force members in prostitution. Debt bondage in the migrant worker system continued as a widely accepted practice.

EXISTING ANTI-TIP LAWS

Current Indonesian law criminalizes trafficking in persons, though the country does not yet have comprehensive anti-trafficking legislation. Existing laws have important limitations, such as the lack of a clear legal definition of trafficking. The Penal Code's Article 297 stipulates that "trafficking of females (age not specified) and trafficking in underage males" constitute a criminal offense and provides for penalties. Law No. 30/1999 on Human Rights also asserts children's rights to enjoy protection against trafficking. The October 2002 Child Protection Act (Chapter 12) includes specific and serious penalties for child trafficking and related offenses. As pertains to trafficking, however, the

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Act is general in nature and without a comprehensive

definition of the crime. While the GOI can and did prosecute TIP cases under existing laws, including those for related criminal violations (e.g., rape, illegal confinement, abuse of women for immoral purposes, etc.), the lack of a comprehensive law with adequate legal definitions constitutes an impediment for law enforcement.

Police and prosecutors have increasingly turned to the Child Protection Act, and its tougher sanctions, in cases of child trafficking. This trend continued over the past year, with at least 38 traffickers charged under the Act.

At times, police and prosecutors used other sections of the Penal Code to jail traffickers, including provisions against abductions (Article 332).

STATUS OF NEW LEGISLATION

The 2002-2007 National Action Plan on anti-trafficking notes that the enactment of a comprehensive anti-trafficking law is an important goal and called for passage of the law by 2004. GOI began research for the law in 2002, completed an initial draft in 2003, and submitted the bill to the House of Representatives (DPR) following presidential signature in July 2004. The bill criminalizes all forms of trafficking, provides compensation for victims, and protection for victims, witnesses and others involved in legal proceedings. It also includes stiff penalties for perpetrators and officials involved in trafficking (see below).

The outgoing DPR did not deliberate on the TIP bill before leaving office in September 2004. During much of 2005, political conditions and inexperience in the new administration and DPR resulted in the DPR only passing several minor laws from a backlog of over 200 bills. Although the Yudhoyono administration and the DPR agreed to prioritize passage of the anti-trafficking law during 2005, the DPR did not take further action on the bill until the last quarter of 2005, when the legislature adopted the draft as its own "initiative" and formed a special committee to handle the bill. In December 2005, President Yudhoyono and the Women's Minister publicly called for the bill's quick passage. The DPR committee began formal hearings in January 2006 and targeted passage of the bill in mid-2006.

In 2004, the DPR passed Law 39/2004 on the protection of migrant workers abroad. The law provides greater regulation of the migrant worker recruiting and placement process. It establishes jail sentences of 2 to 15 years for unlicensed labor recruitment agencies. Over the past year, Jakarta police and Manpower Ministry officials began shutting down some illegal and abusive recruiting agencies, and arresting their operators using the migrant worker protection law.

OTHER LAWS USED AGAINST TRAFFICKERS

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A myriad of other laws exists in Indonesia that the GOI can use to prosecute trafficking-related offenses. These include laws against sexual exploitation, labor exploitation, child labor, abduction, rape, unlawful detention, and immigration offenses. At times, the GOI used these laws in conjunction with anti-trafficking charges to prosecute traffickers.

ICMC/ACILS conducted a review of existing legislation and concluded that, "although (existing laws) can and should be used to act now against those who traffic in people, there are many gaps in the existing legislation."

PENALTIES FOR TRAFFICKING

Under the Criminal Code, Article 297, those "trafficking in females and trafficking in underage males are threatened by a penalty of up to six years in jail." The Child Protection Act, Article 83, provides for a jail sentence of 3 to 15 years, plus fines, for child traffickers. In addition, there are separate sanctions for related crimes against children such as: sexual exploitation (10 years maximum imprisonment plus fine), involving a child in narcotics trade (5 years in jail to life imprisonment, or death penalty, plus fine), and exposure of children to trafficking situations (5 years maximum imprisonment, plus fine).

The anti-trafficking bill, pending before the legislature, provides for jail sentences ranging from 4 to 15 years for trafficking acts. The bill provides for increased sentences for trafficking under certain circumstances, for example: trafficking by parents (increased sentence by one-third); trafficking resulting in serious injury (5 to 20 years); and trafficking resulting in death (life in prison).

PENALTIES FOR RAPE OR FORCIBLE SEXUAL ASSAULT

The Criminal Code, Article 285, stipulates a maximum of 12 years imprisonment for rape committed outside of marriage. Other generally less severe criminal sanctions apply for sexual intercourse with a minor, forcing a person to commit an act of sexual abuse of a minor, facilitating minors to perform acts of obscenity, and other related offenses. The 12-year maximum jail sentence for rape exceeds the 6-year maximum for trafficking under the Criminal Code, but is similar to the 15-year maximum penalty for trafficking of children under the Child Protection Act.

PROSTITUTION NOT LEGAL, BUT WIDESPREAD

As a matter of national law, Indonesia has not legalized prostitution. Indonesia's Penal Code does not explicitly mention prostitution, but the Code's Chapter 14 refers to

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"crimes against decency/morality," which many within national and local governments interpret to apply to prostitution. Central government officials contacted by the Embassy agreed in their interpretation that the Penal Code renders prostitution illegal. The prostitution of children is clearly illegal under the Penal Code and the 2002 Child Protection Act.

The Penal Code can be used to prosecute the acts of pimps, brothel owners and enforcers on the basis of various crimes, including: using violence or threats of violence to force persons to conduct indecent acts (Article 289, with a maximum penalty of nine years in jail); facilitating indecent acts (Article 296, with a possible jail term of 16 months); conducting/facilitating public indecency (Article 281); and making profits from the indecent acts of a woman (Article 506, with a possible one-year jail sentence). In practice, authorities rarely pursued such charges against those involved in prostitution.

Clients of child prostitutes can be charged under the Penal Code and the Child Protection Act. In theory, married persons who are clients of prostitutes can be charged for engaging in sexual relations outside of marriage (Penal Code Article 284). In general, police did not arrest and pursue charges against clients of prostitutes.

While contrary to societal and religious norms in Indonesia, the practice of prostitution is widespread and largely tolerated in many areas of the country, particularly when it is not a matter of public display. Although contrary to national interpretations that the Penal Code prohibits prostitution, authorities in some localities have formally or informally regulated prostitution in response to community

pressure. Drawing on precedents from the Dutch colonial era, beginning in 1960, some cities and other areas, including eventually Jakarta, Surabaya, and Batam, adopted a policy of "localization" (concentration in a particular locale) for prostitution. Often supported by elements of civil society, "localization" was justified as an attempt to isolate vice and thereby preserve the morals of the wider community, as well as an effort to better monitor the activity and provide health and rehabilitation services. In recent years, some local governments (Jakarta among them) closed down the "localization" areas because of protests from religious groups, a trend that continues.

In November 2005, the city of Tangerang, near Jakarta, passed a public morality ordinance which, in part, forbids persuading or coercing others into acts of prostitution, as well as against acts of physical intimacy in public, such as kissing. Other local governments are considering ordinances against prostitution in the context of broader, and possibly intrusive, regulations of public morality.

According to a media report, in February 2006 the social services agency in Batam announced a plan to issue

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identification cards to prostitutes, with the stated objective of preventing children from being engaged in prostitution. The plan met with opposition from local legislators and religious leaders, who objected to the measure believing it to constitute legalization of prostitution.

In some areas, including certain locations in Papua, brothel owners registered prostitutes with the police with a view to demonstrating that the prostitutes are not coerced or underage.

Some local governments gained important tax revenues from otherwise legal entertainment businesses, such as karaoke bars, that also offer prostitution. Individual police and other officials also gained illegal income as a result of prostitution. These factors encouraged the tendency to tolerate prostitution, according to observers.

ARREST AND PROSECUTION OF TRAFFICKERS

The GOI investigated, arrested, indicted, convicted and sentenced traffickers, with partial data indicating that anti-trafficking law enforcement efforts in 2005 continued at a pace similar to 2004.

According to data provided by the national police, local police offices, other GOI offices and press accounts, police investigated/arrested 110 suspected traffickers in calendar year 2005. An additional 15 arrests occurred in January-February 2006. Almost all of the arrests related to trafficking of women and girls for prostitution, with the exception of baby-trafficking (see below). Police investigated and arrested traffickers sending victims to internal destinations (62 cases) and foreign countries (Malaysia 21 cases; Japan 3; Middle East 3; Singapore 2). The sizable number of arrests for acts of trafficking within Indonesia represented a positive change from previous years, in which most arrests related to international trafficking.

Approximately one-quarter of the arrests related to cases of "baby-selling," commonly using article 83 from the Child Protection Act prohibiting "the trafficking, selling or kidnapping of children for oneself or in order to sell to another..." Some of these cases may refer to practices of illegal adoption, rather than an inherently harmful, black market trade in babies.

Prosecutors took 37 traffickers to court in 2005, according

to information from the Attorney General's Office (AGO) provided to the People's Welfare Coordinating Ministry in late February 2006. The AGO had not provided details of the cases to the Embassy by the time of this report. Details of 25 completed or on-going prosecutions were available to the Embassy from other GOI and non-governmental sources, showing

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16 convictions of traffickers and no acquittals. The average sentence in these cases was 30 months in prison. The average sentence length for persons convicted under the Child Protection Act was higher than for those convicted only under the Penal Code. The longest sentence handed down by a court in 2005 in a trafficking case was nine years, representing a conviction under both the Penal Code and Child Protection Act.

In the 57 cases for which relevant information was available, police and prosecutors used the Child Protection Act against traffickers in 38 cases; the Penal Code in 33 cases; the Migrant Worker Protection Act in 13 cases; and a local ordinance in 2 cases. Police and prosecutors often filed charges under multiple laws. Almost all cases involving child or baby trafficking utilized the Child Protection Act.

As in previous years, the available law enforcement data showed distinct geographic patterns. In 2005, 18 out of 33 provinces recorded anti-trafficking law enforcement cases, with law enforcement actions highly concentrated in four provinces. North Sumatra recorded the greatest number of arrests and prosecutions (27), followed by West Java (24), Jakarta (18), and Riau Islands (15). The remaining 14 provinces recorded 7 or fewer cases each. In some areas of the country known for trafficking problems, there were few or no reports of law enforcement actions.

The law enforcement data available to the Embassy represents incomplete and imperfect information. Despite standing instructions from National Police Headquarters, not all police districts reported anti-trafficking statistics and some district reports were incomplete. The national police data collection effort for anti-trafficking statistics remained inadequate and did not demonstrate improvement over the previous year. This also reflects a general weakness in law enforcement data collection, which applies not only to the issue of trafficking in persons. In addition, police data would not necessarily capture some cases that did not involve trafficking charges, such as cases in which traffickers are charged with rape or abduction instead of trafficking.

Relative to the police, the AGO had even more difficulty in providing anti-trafficking data. AGO attention to data collection on TIP appeared very limited. Central government officials often relied upon contacts with province and district level courts and prosecutors to gather data on legal proceedings against traffickers.

The GOI's difficulties in collecting data are not unique to TIP, but are endemic to the Indonesian Government and have been particularly acute following decentralization. Local authorities are no longer compelled to provide data to central authorities in many instances.

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Indonesian police and officials have cooperated with foreign governments, including the U.S. and Australia, in the apprehension and repatriation of foreign sex offenders.

GOVERNMENT INVOLVEMENT IN OR TOLERANCE OF TRAFFICKING

Some government officials and individual members of the security forces facilitated, tolerated, or were involved in TIP on a variety of levels. The GOI in past reports acknowledged this fact, which has been widely reported by groups working on trafficking. The most common example of such complicity was in the production of national identity cards. In local communities, low-level officials certified false information to produce national identity cards and family data cards for children to allow them to work as adults. They commonly did so in order to collect bribes and also to assist poor families in gaining additional wage earners. In most cases, these officials facilitated such cards without knowing the children will be trafficked. In a much smaller number of cases, the local officials presumably were aware that they are facilitating trafficking. Based on the identity cards, traffickers processed passports and work visas for children who otherwise would not be able to obtain such documents. With less than 30 percent of all births registered in the country, and such registrations also subject to falsification, authorities often had little legal basis to challenge documents containing false information.

Some officials in local Manpower offices (Disnaker) reportedly licensed and tolerated migrant worker recruiting agencies despite the officials' knowledge of the agencies' involvement in trafficking. In return for bribes, some Immigration officials turned a blind eye to potential trafficking victims, failing to screen or act with due diligence in processing passports and immigration control.

Local governments' informal or formal regulation of and alleged profiteering from established prostitution zones in larger cities also raised concerns about local officials' involvement and tolerance of trafficking.

Individual members of the police and military were associated with brothels and prostitution fronts, most frequently through the collection of protection money, which was a widespread practice. Sometimes off-duty security force members worked as security personnel at brothels. Security force members also involved themselves in prostitution as

brothel owners or through other illicit business interests, according to NGOs and other reports. As one prominent example, NGOs continued to report the involvement of Indonesian navy personnel and police in the Dolly prostitution complex in Surabaya, one of Southeast Asia's largest brothel areas. A 2005 NGO examination of trafficking in Papua also found indications of police and military personnel involved in trafficking.

NGOs described the involvement in TIP of individual police and military members primarily as one of extorting protection money from brothel owners and pimps, and of not taking proactive steps to free underage or other trafficked prostitutes. In past years, there have been reports of police officers assisting pimps to return runaway prostitutes to brothels. The NGOs did not report any examples of security force members actively recruiting or forcing children into prostitution.

Police, public order officials and military members sometimes clashed as a result of raids on prostitution areas, publicly highlighting the link between security force members and the sex trade. Examples of such clashes occurred in Padang, West Sumatra, in 2005 and in Sukabumi, West Java, in February 2006.

In some cases, the police tolerance of trafficking, profiteering from the sex trade, and/or lack of understanding of the law limited or delayed their actions in response to complaints. On occasions in the past, national police headquarters intervened with local police units to generate actions, after the local units failed to respond to direct complaints.

Police and officials often did not recognize the relationship of debt bondage and trafficking of women and girls for prostitution.

DEBT BONDAGE INSTITUTIONALIZED

The recruiting process for Indonesians working as unskilled or semi-skilled labor abroad tends to institutionalize debt bondage, which technically is illegal under Indonesian law. Migrant worker recruiting agencies commonly hold prospective workers in debt bondage. The indebtedness stems from processing fees charged to the workers by the agencies and costs incurred by the agencies prior to the departure of workers for jobs overseas. Prospective migrant workers can remain in holding centers for months at a time, awaiting placement and departure. In some cases, such situations degenerate into jail-like conditions, with poor food and sanitation, and with workers unable to leave locked warehouses where they are housed. There often appeared to be widespread societal acceptance and tolerance by GOI officials and law enforcement of such migrant worker conditions. Situations of debt bondage commonly continued with overseas

employers.

The Manpower Ministry and the Jakarta police launched raids on unlicensed migrant worker agencies, some of which kept women and girls under inhumane conditions (see above). U.S.-funded NGOs, the ILO and others examined the basis for legal challenges to debt bondage and alternative means of organizing migrant worker recruitment. There was a gradual increase in awareness among some Indonesian officials that the GOI should address the issue of debt bondage.

STEPS TO END OFFICIALS' INVOLVEMENT IN TRAFFICKING

The GOI did not provide details regarding actions taken against civil officials suspected of involvement in trafficking. From time to time, the GOI applied administrative sanctions against officials involved in passport or other document fraud. Criminal prosecutions for such actions are not common. There were no GOI reports of the security forces prosecuting or disciplining their own members for involvement in prostitution or other activities related to trafficking.

FOREIGN PEDOPHILES PROSECUTED, DEPORTED

The police actively investigated reports of foreign pedophiles operating in Indonesia. In 2004, these efforts led to the arrest, prosecution, and conviction of an Australian pedophile in Bali in May 2004, and of a Dutch pedophile in West Nusa Tenggara also in May 2004. In 2005, a court in Bali sentenced a French pedophile to 30 months in jail. Police in Bali arrested a suspected Dutch pedophile in July 2005, but the case remains under investigation. In February 2006, the GOI deported an Australian pedophile who had escaped from a jail in western Australia.

During this reporting period, Indonesia authorities fully and quickly cooperated with U.S. law enforcement officials for the arrest, expulsion and successful return to the U.S. of three American citizens wanted due to pedophile charges or convictions in the United States.

RATIFICATION OF INTERNATIONAL INSTRUMENTS

Indonesia has signed and in most cases ratified international instruments related to the worst forms of child labor and the trafficking of women and children:

-- The GOI signed ILO Convention 182 concerning the elimination of the worst forms of child labor and ratified this with Law No. 1 of 2000 on March 8, 2000.

-- Indonesia ratified ILO Convention 29 on Forced Labor in 1950. The GOI ratified ILO Convention 105 on the Abolition

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of Forced Labor in 1999.

-- Indonesia signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and ratified this in September 2001.

-- Indonesia signed in December 2000 the UN Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons. The GOI has not yet ratified the Convention and Protocol.

-- On September 25, 2003, Indonesia signed the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1950, and the Convention's Final Protocol. Indonesia has not yet ratified these instruments.

IV. PROTECTION AND ASSISTANCE TO VICTIMS

UPDATE

National and local level assistance efforts continued or increased over the past year, although they remained small in comparison with the scope of the problem. The police added 11 new women's help desks in police departments to reach a total of 237 nationwide. The GOI and police increased from 11 to 18 the number of operational "integrated service

centers," providing health services to TIP and other victims of violence. With U.S. assistance, the police upgraded two such centers to become full medical recovery centers specifically for trafficking victims, and began work on a third medical center. These two trafficking victim recovery centers treated hundreds of patients since opening in 2005. Authorities continued to round-up and deport a small number of foreign prostitutes without screening them for possible trafficking victims. Various GOI offices and diplomatic missions received limited training on TIP victim recognition and assistance.

GOVERNMENT ASSISTANCE TO VICTIMS

The GOI at various levels and to varying degrees assisted its citizens who fell victim to trafficking. National and local level assistance efforts continued or increased, but remained small in comparison with the scope of the problem. In general, the GOI provided modest but more structured assistance to Indonesians trafficked abroad. In contrast, government assistance specifically for internal trafficking victims remained minimal. Local government assistance usually appeared ad hoc and often focused on cases with a public profile.

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The police further increased the number of its women's help desks (RPK), units established to assist women and children who fall victim to violence including trafficking, and to help related investigations. The total number of such units at the province and district levels has gradually increased from 163 in 2003 and 226 in 2005 to a total of 237 women's help desks in 2006. The women's desks provided temporary shelter, special police handling, and some level of legal services for victims. The women's desks often cooperated with local NGOs, which arranged for medical and psychological services, and longer term shelter. Distrust of the police discouraged some victims from using these desks.

Local governments worked together with NGOs and civil society groups to establish and operate shelters for TIP victims, in key transit points like Dumai, Riau Province, and Batam, Riau Islands Province, and in Entikong on the West Kalimantan border with Malaysia. Local governments also used social services offices and police women's desks as temporary shelters. Women's bureaus in provinces like East Java, North Sumatra, and Riau Islands budgeted modest funding for victims' services.

The Foreign Ministry operated shelters for trafficking victims and migrant workers at its embassies and consulates in a number of countries, including Malaysia, Saudi Arabia, Kuwait, and Singapore. Over the course of 2005, these diplomatic establishments sheltered thousands of Indonesian citizens, including trafficking victims. Indonesian diplomatic missions, in coordination with other GOI agencies, assisted with repatriation of trafficking victims.

The Manpower Ministry has an Overseas Worker Protection Directorate. The GOI upgraded this office over the period 2001-2003 and dramatically increased its budget. The Directorate regulates migrant worker recruiting agencies, provides limited training to migrant workers, and assists and repatriates overseas workers fleeing abusive situations. The Directorate, often in conjunction with the Social Affairs Ministry, repatriated female migrant workers during 2004 and 2005. Some of the repatriated female migrant workers fit the definition of trafficking victims.

The Social Affairs Ministry founded a Sub-Directorate of Social Assistance for Victims of Violence and Migrant Workers in 2001. In 2002, the Ministry upgraded this office to become a Directorate, with greater authority and budget, responding in part to the demand for action against TIP. In

terms of trafficking, the Directorate primarily assisted victims returning from overseas since domestic cases normally fall under the responsibility of local governments. In 2004 and 2005, the Ministry provided some repatriation assistance to tens of thousands of migrant workers, the vast majority of whom returned from Malaysia. This included transportation, basic medical care, and food for some of these returnees. The Directorate provided some training to provincial Social Affairs offices. The Ministry also operated women's

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rehabilitation centers and assists with crisis centers, including the Children's Crisis Center established in Jakarta in 2002.

The provincial government in East Java established a women's crisis center in 2003 that serviced trafficking victims and other women who suffered violence.

Police and public hospitals provided medical care to trafficking victims, in accordance with a GOI directive (see below).

In 2004 the Women's Ministry, with input from international and local NGOs, finalized standard operating procedures (SOPs) to be used when assisting trafficking victims to ensure their protection. This was in accordance with the anti-trafficking National Action Plan's goal of having the SOPs in place by 2004. The Ministry began to train officials in the SOPs during 2005.

VICTIM HEALTH CARE FACILITIES

The Social Affairs Ministry, the Women's Ministry, the Health Ministry and POLRI signed a coordination agreement in October 2002 to provide "integrated service centers" (PPTs) for women and children who are victims of violence. As part of this MOU, the GOI assigned police hospitals, like the Kramat Jati police hospital in Jakarta and the Bhayangkara hospital in Surabaya, to be the medical treatment points for migrant workers who return from abroad with serious medical or psychological problems. In other locations, public hospitals operate the service centers, in coordination with the ministries and the police. In 2006 there were 18 operational PPTs, an increase from 11 in 2005.

After 2002, the Jakarta police hospital, as a PPT, began treating hundreds of trafficking victims annually. With the assistance of a U.S.-funded IOM project, Indonesia police upgraded the Jakarta police hospital facility to become a full medical recovery center for victims of trafficking, the first in Indonesia. The center provides comprehensive medical care, including psychological treatment, to TIP victims, most of whom have returned from abroad. The medical center, which officially opened in its new form in June 2005, has capacity for 30 in-patients. During the last seven months of 2005, the hospital treated 330 in-patients and 112 out-patients.

The IOM project assisted with the opening of a second medical recovery center in the Surabaya police hospital in September 2005. This center has a capacity of 8 in-patients and treated 15 patients during the final months of 2005. A small medical recovery unit in the police hospital in Makassar, South Sulawesi, started informally in January 2006, also with IOM assistance.

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Some government medical facilities and NGO clinics conducted HIV/AIDS screening, but this did not appear to be widespread or systematic.

GOI SUPPORT FOR NGO SERVICES TO VICTIMS

The GOI provided some funding to domestic NGOs and civil society groups that supported services for TIP victims, usually as part of a larger program rather than one focused exclusively on trafficking. At the national level, for example, the People's Welfare Coordinating Ministry and the Social Affairs Ministry provided food assistance to social centers and safe houses nationwide. Local governments in North Sulawesi, North Sumatra, West Kalimantan, Riau Islands, and East Java funded NGOs to provide services to some victims, including shelters, medical exams and training.

SCREENING AND REFERRAL OF VICTIMS

In Jakarta, a screening system is in place at the international airport to refer cases of abused migrant workers and trafficking victims to the city's police hospital (see above). NGOs active in migrant worker advocacy also identify and refer returned migrant workers who need medical attention. An NGO screening process was also in practice in Surabaya.

Women's help desks at provincial and district level police offices typically have formal or informal arrangements in place with local NGO's to provide short-term shelter and a modicum of care for trafficking victims. In general, long-term care does not appear to be available. A current U.S.-funded project, implemented by IOM, has begun to develop models of better and longer-term care for trafficking victims.

RESPECT FOR THE RIGHTS OF VICTIMS

The GOI's written policy, found in its annual trafficking report, is that, "from a legal perspective, the Government treats persons who are trafficked not as criminals, but as victims who need help and protection." The People's Welfare Coordinating Ministry, the Women's Ministry, and training conducted by international NGOs and DOJ/ICITAP, reinforced this policy during the year in public settings and trainings of police and other officials. Police who received ICITAP training demonstrated greater awareness of and respect for TIP victims.

Local government and police practice varied, particularly in the lower ranks of law enforcement agencies. Local governments, exercising greater authority under the nation's decentralization program, sometimes enacted regulations that tend to treat trafficked prostitutes as criminals, contrary to national policy. In many instances, GOI officials and

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police actively protected and assisted victims. In other cases, police officers treated victims, particularly trafficked prostitutes, as criminals, subjected them to detention, and took advantage of their vulnerability to demand bribes and sexual services. The media and lower level officials, including police, frequently failed to protect victims' identities and commonly provided victims' names to the public.

The GOI's policy is not to detain or imprison trafficking victims. Police implementation of this policy varies in practice. Not all local government laws comply with this policy. Local police often arrested prostitutes, presumably including trafficking victims, who operated outside recognized prostitution zones on charges of violating public order. Police raids on prostitute areas commonly resulted in the arrest of prostitutes, rather than users or pimps. On occasion, the police detained victims, sometimes to gain their testimony or in the belief they were protecting the victims from traffickers. In other cases, police detained victims in order to extract bribes.

While there appeared to be a growing understanding of the need to protect Indonesian victims of trafficking, this was not the case for foreign prostitutes. In Jakarta, police and immigration officials in August 2005 rounded up and deported foreign prostitutes from China, Russia and Uzbekistan without screening them as possible trafficking victims or protecting their identities from intrusive media coverage.

ENCOURAGING VICTIMS TO ASSIST INVESTIGATIONS/PROSECUTIONS

The GOI encourages victims to assist in the investigation and prosecution of traffickers. The GOI reported that victims frequently were reluctant or refused to provide testimony out of shame and fear of retribution against themselves and their families. There are no specific legal mechanisms for victims to seek compensation from traffickers, though this may be addressed in the anti-trafficking bill currently pending before the DPR. A bill on witness protection also remains pending before the legislature (see below).

In previous periods, there have been reports of police officers who refused to receive complaints from trafficking victims, but insisted instead that victims and traffickers reach an informal settlement (for example, payment of debts in return for a prostitute's release from a brothel).

PROTECTIONS FOR VICTIMS AND WITNESSES

The functions of the women's help desks at provincial and district level police stations include protection of women and children during the police investigation process of crimes such as trafficking. Some of the desks functioned reasonably well, while others did not function adequately.

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There were no specific reports of the GOI providing special protection to witnesses during court cases on trafficking.

The Law and Human Rights Ministry and the Women's Ministry drafted a Witness and Victim Protection bill, originally targeted for passage by 2004 in the anti-trafficking National Action Plan. Like most other legislation, the bill did not advance in 2005. The Government and the DPR are currently discussing the bill.

TRAINING FOR OFFICIALS TO RECOGNIZE/ASSIST VICTIMS

The National Action Plan calls for training of government officials in recognizing trafficking and assisting victims, to be carried out in the 2003-2007 timeframe. The GOI conducted such training on an ad hoc basis through various seminars, workshops and government meetings. POLRI and the Manpower Ministry both conducted anti-trafficking training, including victim recognition, over the past year.

NGOs and international organizations have assisted in the training of Indonesian officials. IOM and ICMC have worked with Indonesian diplomatic offices in Malaysia to improve their screening procedures for potential trafficking victims. The Foreign Ministry discontinued the ICMC activity due to perceived political sensitivities in Malaysia.

The relationship between Indonesian diplomatic missions and NGOs abroad that serve trafficking victims appears to vary greatly. A 2005 survey of Indonesian diplomatic offices in Malaysia revealed some working frequently with NGOs and others not. The availability of such NGOs was a factor.

ASSISTANCE TO REPATRIATED NATIONALS

The GOI, both at the national and locals levels, provides

some measure of assistance, including limited medical aid, shelter, and financial help, to its repatriated nationals who were trafficking victims. In general, the government at various levels provided more attention and assistance to repatriated victims compared with victims of internal trafficking.

NGO'S WORKING WITH TRAFFICKING VICTIMS

ICMC/ACILS, in their 2003 book, identified 45 local NGO offices around the country that provide services to trafficking victims, most in the context of other social programs. Some of the more prominent NGOs are Solidaritas Perempuan (Jakarta), LBH-Apik (Jakarta and West Kalimantan), Yayasan Mitra Kesehatan dan Kemanusiaan or YMKK (Batam), Rifka Anisa (Yogyakarta) and LADA (Lampung). Some labor unions also provided services to trafficking victims. The activities of these groups related to TIP include: legal

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assistance, prevention and education programs, medical services, clinics for children, research and advocacy, counseling, reproductive health, HIV/AIDS prevention, and shelters. More NGOs have emerged over the past several years, including Migrant Care, currently a leading advocacy body for migrant worker rights and anti-trafficking, and Anak Bangsa, a pioneering NGO assisting victims along the Indonesia-Malaysia border area of West Kalimantan.

The GOI's 2004-2005 trafficking report listed service providers for trafficking victims, including women's crisis centers, trauma centers, shelters and drop-in centers set up by local governments, NGOs, and community organizations in 14 provinces. The report also documented dozens of legal aid organizations and their branches across Indonesia that have a mandate to provide legal assistance to victims of trafficking and other violence.

GOI continued strong cooperation with NGOs over the past year in the area of assistance to trafficking victims. In some cases government offices relied heavily on NGO inputs and advice. GOI offices provided licenses to organizations and access to trafficking victims, included NGOs on national and local action committees, and interceded with law enforcement agencies in some cases to permit NGOs to carry out their activities. NGOs frequently interacted with the police, though mutual suspicions limited the interaction in some areas.

IV. HEROES

Kyai Husein Muhammad: As a founder and leader of the Fahmina Institute and the head of a large Islamic boarding school (pesantren), Kyai Husein Muhammad ("Kyai" is a title referring to a respected local religious leader/scholar) has helped to raise awareness of trafficking in persons among women and children in rural communities in West Java. Kyai Husein has carried out an anti-trafficking media campaign, which in 2005 included distribution of 22,000 leaflets each week in mosques after Friday prayers, along with outreach to village health clinics and schools. Kyai Husein researched and produced written works concerning the application of Islamic Law and trafficking, an unprecedented initiative to use Islamic arguments and traditions to combat this crime. His scholarship highlighted the Islamic perspective on victims' rights, the rights of women and children, and the immorality of human trafficking, while emphasizing that victims should not be criminalized and that communities have a responsibility to combat trafficking. Kyai Husein's efforts were instrumental in raising awareness of the risk of trafficking in post-tsunami Aceh and enlisting Muslim schools there in the ultimately successful prevention of TIP in tsunami-affected areas.

SIPDIS

Kyai Husein is an advisor to the Indonesian Government on
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violence against women and he contributed to the drafting of the law against domestic violence, passed in 2004. He has published a number of works on Islam and gender issues. The Asia Foundation (TAF) has supported Kyai Husein and the Fahmina Institute's efforts to stop trafficking in persons.

Almost 90 percent of Indonesians adhere to Islam and Indonesia is home to the world's largest Muslim population. Local Islamic leaders play a significant role in their communities and have the potential, like Kyai Husein, to make an important contribution to anti-trafficking.

VI. BEST PRACTICES

The Indonesian Scout Movement: In 2004, the Scout Movement, which incorporates nearly all public school students across the country, began an anti-trafficking campaign in Indramayu, West Java, a sending area for many young women and girls who fall victim to trafficking. In its current phase, the Scouts have targeted the provision of anti-trafficking education to 25,000 students in 116 schools in the Indramayu area by August 2006. To do so, the Scouts have trained 285 school-level facilitators who utilize an innovative training and campaign kit containing a four-part video documentary, comic books and other anti-trafficking materials. The Scouts donate the campaign kits to the schools at the end of the training program. The national Scout movement is considering the expansion of the program to other districts and the institution of an anti-trafficking merit badge to encourage more Scouts to learn about and promote anti-trafficking efforts.

The American Center for International Labor Solidarity (the Solidarity Center) and the International Catholic Migration Commission (ICMC), along with UNICEF, have supported the Scout's involvement in anti-trafficking. This effort is part of a larger strategy initiated by the Indonesian Government, the Solidarity Center and ICMC to mobilize existing mass-membership institutions and their significant networks to combat trafficking.
PASCOE